

Misbranding of the article was alleged for the reason that the statements, "Mayonnaise", "8 Oz.", and "3 Oz.", were false and misleading and deceived and misled the purchaser which when applied to an article containing added gum and water and which was short of the declared weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 25, 1933, the intervener having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21714. Adulteration and misbranding of butter. U. S. v. 25 Tubs of Butter. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 30770. Sample no. 43264-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about July 6, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 tubs of butter at New Haven, Conn., alleging that the article had been shipped in interstate commerce on June 20, 1933, by the Fairmont Creamery Co., from Guthrie, Okla., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Glenwood Creamery Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On November 13, 1933, no claimant having appeared for the property, judgment of condemnation was entered. The court, having found that the butter was in good condition and fit for food, ordered that it be distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

21715. Adulteration of canned salmon. U. S. v. 214 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30737. Sample no. 37654-A.)

This case involved a shipment of canned salmon, variously coded. Samples taken from one of the codes were found to be decomposed.

On July 17, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 214 cases of canned salmon at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 13, 1931, by R. E. Cotter Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Seapriz Brand Pink Select Alaska Salmon. * * * Distributed by R. E. Cotter Co. Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 16, 1933, Frey & Son, Inc., Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it should not be disposed of in violation of the Food and Drugs Act. All decomposed salmon was segregated under the supervision of this Department and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21716. Adulteration of canned mustard greens. U. S. v. 30 Cases of Canned Mustard Greens. Consent decree of destruction. (F. & D. no. 30732. Sample no. 35868-A.)

This case involved an interstate shipment of canned mustard greens that were found to be infested with bugs and worms.

On July 15, 1933, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of canned mustard greens at Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about April 24, 1933, by the Thrift Packing Co., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Thrift Brand Mustard Greens * * * Thrift Packing Co., Dallas, Texas."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On October 9, 1933, the shipper and the consignee having waived all rights to the product and no other intervener appearing, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21717. Adulteration of dressed tullibeas. U. S. v. 90 Boxes of Dressed Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30730. Sample no. 45728-A.)

This case involved a shipment of dressed tullibeas that were infested with parasitic worms.

On June 26, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 boxes of dressed tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 22, 1933, by Gordon Miller, from Baudette, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On September 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21718. Adulteration of apple pomace. U. S. v. 400 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30696. Sample no. 43120-A.)

This case involved an interstate shipment of apple pomace which contained lead in an amount which might have rendered the article injurious to health.

On July 5, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 400 bags of apple pomace at Hillside, N.J., alleging that the article had been shipped in interstate commerce on or about June 15, 1933, by Walter H. Hildick Co., from Lyons, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On October 26, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21719. Adulteration of crab meat. U. S. v. 5 Barrels of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30684. Sample no. 37792-A.)

This case involved a shipment of crab meat that was found to contain filth.

On June 29, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of five barrels of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about June 27, 1933, by Geo. A. Philpotts, from Mobjack, Va., and charging adulteration in violation of the Food and Drugs Act.