

15, 1933, by Thomas S. Smith, and in part on or about September 29, 1933, by Thomas S. Smith Co., and charging adulteration in violation of the Food and Drugs Act. The former libel charged that the article contained arsenic and was amended because examination subsequent to its filing showed the presence of lead as well as arsenic.

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 14, 1933, the cases having been consolidated and Thomas S. Smith & Co., Hart, Mich., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that the apples be washed under the supervision of this Department in order to remove the deleterious ingredients.

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

21739. Adulteration and misbranding of dried buttermilk. U. S. v. 135 Bags of Dried Buttermilk. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 31276. Sample no. 14139-A.)

This case involved a shipment of a product which was represented to be dried buttermilk, but which consisted of dried skimmed milk. Examination also showed that the article contained less fat than labeled.

On October 26, 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 135 bags of dried buttermilk at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 26, 1933, by the Universal By-Products Co., from Oakland, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Pure Dried Buttermilk Manufactured by Universal By-Products Co. San Francisco, Calif. Guaranteed Analysis * * * Crude Fat not less than 5.05%."

It was alleged in the libel that the article was adulterated in that dried skimmed milk had been substituted wholly or in part for dried buttermilk, which the article purported to be.

Misbranding was alleged for the reason that the statements on the tag, "Pure Dried Buttermilk" and "Crude Fat Not Less than 5.05%", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 10, 1933, the Baltimore Feed & Grain Co., Baltimore, Md., having consented to the entry of a decree, 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 \$1,000, conditioned in part that it be relabeled.

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

21739-a Adulteration of canned huckleberries. U. S. v. 63 Cases, et al., of Canned Huckleberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31310, 31544, 31579, 31601, 31605, 31644. Sample nos. 51337-A, 51338-A, 58651-A, 58652-A, 58660-A.)

These cases involved various shipments of canned huckleberries that were found to contain maggots.

On November 1, 4, and 13, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 322 cases of canned huckleberries at Philadelphia, Pa. On November 18 and 22, 1933, the United States attorney for the Southern District of New York filed libels against 249 cases of canned huckleberries at New York, N.Y., and on November 27, 1933, a libel was filed in the District of New Jersey against 147 cases of the product at Burlington, N.J. It was alleged in the libels that the article had been shipped in interstate commerce by Ivan Pettit, from Burlington, N.J., into the States of Pennsylvania and New York, respectively; that the shipments covered the period from August 10, 1933, to October 11, 1933; that 147 cases of the product had been reshipped by the consignee at New York, N.Y., to Burlington, N.J.; and that the article was adulterated in violation of the