

tion of the Food and Drugs Act. It was alleged in the libel that 6 unlabeled cans of butter had been shipped on or about December 4, 1933, from Abingdon, Va., by Payne Produce Co., that 3 tubs of butter had been shipped on or about December 4, 1933, from Charlotte, N.C., by M. L. Kiestler, and that 7 cans of butter had been shipped on or about December 4, 1933, from Sylvatus, Va., by Sylvatus Grocery Co.

The libel charged that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance. Adulteration was further alleged with respect to 7 cans of the product in that an article deficient in butterfat had been substituted wholly or in part for butter, which it purported to be.

On January 19, 1934, 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.*

**21933. Misbranding of tomato juice. U. S. v. 195 Cases of Tomato Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31750. Sample no. 39257-A.)**

Sample cans of tomato juice taken from the shipment involved in this case were found to contain less than the declared volume.

On December 19, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195 cases of tomato juice at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about July 5, 1933, by the Empire State Pickling Co., from Phelps, N.Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silver Floss Brand Tomato Juice Contents 1 Pt. 4 Fl. Oz. Packed at Phelps, N.Y., by Empire State Pickling Co."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Pt. 4 Fl. Oz.", was false and misleading and deceived and misled the purchaser. 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 January 20, 1934, the Empire State Pickling Co., claimant, having admitted the allegations of the libel 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 the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

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

**21934. Adulteration of olives. U. S. v. 5 Barrels of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31751. Sample nos. 56051-A, 56054-A.)**

This case involved a shipment of olives that were in part wormy.

On December 21, 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 5 barrels of olives at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about December 6, 1933, by the Quaker Maid Co., from Terre Haute, Ind., 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 wholly or in part of a filthy vegetable substance.

On February 9, 1934, 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.*

**21935. Adulteration of whole eggs. U. S. v. 133 Cans of Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31753. Sample no. 64109-A.)**

This case involved a shipment of whole eggs that were found to be partly decomposed.

On December 22, 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 133 cans of whole