

On January 8, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel, containing 325 pounds of butter, at New York, N.Y. alleging that the article had been shipped in interstate commerce on or about December 30, 1933, by the Standard Supply Co., from Christiansburg, Va., 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, decomposed, or putrid animal substance.

On January 26, 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.*

22046. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 31956. Sample no. 56359-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 January 25, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January 8, 1934, by the Borden Produce Co., Inc., Willow Springs Division, from Springfield, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance 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.

On February 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. On February 26, 1934, the decree was amended to permit distribution of the product to charitable institutions in lieu of destruction.

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

22047. Adulteration and misbranding of potatoes. U. S. v. 371 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31995. Sample no. 64362-A.)

This case involved a shipment of potatoes which were represented to be United States Grade No. 1 which contained excessive grade defects.

On or about February 16, 1934, 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 371 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 7, 1934, by the Northern Potato Co., from Mosinee, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. Grade No. 1 The Original Northern Brand Potatoes None Better Antigo Potato Co. Antigo, Wis. Shippers C M."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement on the label "U. S. Grade Number One", was false and misleading and deceived and misled the purchaser.

On February 20, 1934, Thomas Zeloski, Mosinee, Wis., 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 \$500, conditioned that it be relabeled with a correct statement as to its condition.

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