

22170. Adulteration of butter. U. S. v. 6 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32381. Sample no. 66091-A.)

This case involved a shipment of butter which was low in milk fat.

On February 19, 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 six tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about February 9, 1934, by the Farmers Creamery Co. of Belmond, Iowa, in pool car shipment from Kanawha, Iowa, 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 product containing less than 80 percent 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 Congress of March 4, 1923.

On March 13, 1934, S. & W. Waldbaum, Inc., New York, N.Y., 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 \$150, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

22171. Adulteration of butter. U. S. v. 200 Boxes and 29 Boxes of Butter. Product adjudged adulterated. Released under bond to be reworked. (F. & D. nos. 32374, 32383. Sample nos. 59248-A, 68611-A.)

These cases involved shipments of butter which were low in milk fat.

On February 8 and February 13, 1934, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 229 boxes of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about May 23 and May 25, 1933, by the Davis-Cleaver Produce Co., from Quincy, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels 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 Congress of March 4, 1923.

On February 26, 1934, the Davis-Cleaver Produce Co. having appeared as claimant for the property and having admitted the allegations of the libels, decrees were entered ordering the product released to the claimant upon payment of costs and the execution of bonds totaling \$2,200, conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

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

22172. Adulteration of butter. U. S. v. 26 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 32385. Sample no. 68653-A.)

This case involved an interstate shipment of butter which was found to contain filth.

On January 31, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce, on or about January 26, 1934, by the Elsass Creamery, Rector, Ark., 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 decomposed animal substance.

On March 31, 1934, no claimant having appeared for the property, 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.*

22173. Adulteration of tangerines. U. S. v. 68 Cases of Tangerines. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32387. Sample no. 59708-A.)

This case involved an interstate shipment of decomposed tangerines.

On January 17, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 68 cases of tangerines at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about December 29, 1933, by Charles Abbate Co., from Waverly, Fla., 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 whole or in part of a decomposed vegetable substance.

On March 13, 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.*

22174. Adulteration of canned salmon. U. S. v. 99 Cases of Canned Salmon. Default decree of condemnation and forfeiture. Product delivered to fish hatcheries to be used as fish food. (F. & D. no. 29126. Sample no. 11120-A.)

This action involved the interstate shipment of quantities of canned salmon which was found to be in part decomposed.

On October 26, 1932, the United States attorney for the Western 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 99 cases of canned salmon at Elmira, N.Y., alleging that the article had been shipped in interstate commerce on or about September 16, 1932, by C. F. Buelow Co., Inc., from Seattle, Wash., to Elmira, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spot Lite Brand Pink Salmon * * * C. F. Buelow Co. Incorporated, Seattle."

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

On March 1, 1934, the case having been called and all parties in interest having been declared in default, judgment of condemnation and forfeiture was entered. On March 9, 1934, an amended decree was entered authorizing the delivery of the product to the United States Bureau of Fisheries to be used as fish food.

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

22175. Misbranding of cocoa. U. S. v. E. & A. Opler, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 29485. I. S. nos. 31192, 37391.)

This case was based on shipments of cocoa which, upon examination, was found to be short weight.

On October 11, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against E. & A. Opler, Inc., trading at Brooklyn, N.Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 11 and June 29, 1931, from the State of New York into the State of Ohio, and on or about June 19, 1931, from the State of New York into the State of Maryland, of quantities of cocoa which was misbranded. The article was labeled in part: (Case): "12—2 Pound Perfected Packages"; (can) "Our Mother's Pure All Occasion Cocoa Net Weight Two Pounds E. & A. Opler, Inc. Chicago,—New York."

It was alleged in the information that the article was misbranded in that the statement, "12—2 Pound * * * Packages", borne on the case, and the statement, "Net Weight Two Pounds", borne on the can, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than 2 pounds of the article. 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.

On November 6, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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