

25182. Adulteration of eggs. U. S. v. 209 Crates of Eggs. Consent decree of condemnation. Product released under bond. (F. & D. no. 36404. Sample no. 32092-B.)

This case involved a shipment of shell eggs which were in part decomposed.

On or about August 20, 1935, 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 209 crates of eggs at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 15, 1935, by H. W. Richter, Fremont, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 22, 1935, Max Herz & Sons, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the good eggs be separated from the bad and the former, only, disposed of for consumption as food.

W. R. GREGG, *Acting Secretary of Agriculture.*

25183. Adulteration and misbranding of butter. U. S. v. 3 Tubs of Butter. Default decree of condemnation. Product delivered to charitable institution. (F. & D. no. 36383. Sample no. 30562-B.)

This case involved tub butter that was deficient in milk fat.

On August 23, 1935, 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 three tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 19, 1935, by Roanoke Butter & Cheese, Inc., from Roanoke, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Arrow Dairy * * * New York N Y Process Butter * * * Factory No. 1 * * * Roanoke Va."

The article was alleged to be 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 statement on the label, "Butter", was false and misleading.

On September 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution.

W. R. GREGG, *Acting Secretary of Agriculture.*

25184. Adulteration of butter. U. S. v. 8 Tubs and 8 Tubs of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 35712, 35714. Sample nos. 22604-B, 22607-B.)

These cases involved butter samples of which were found to contain mold and fragments of insects.

On May 29, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 16 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about May 21 and May 25, 1935, by the McComb Dairy Products Co., from McComb, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The misbranding charge was stricken by amendments to the libels dated June 5 and June 6, 1935, respectively.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On July 9, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25185. Adulteration of tomato puree. U. S. v. 508 Cases, et al., of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. nos. 35687 to 35690, incl. Sample nos. 32271-B, 32272-B, 32335-B, 32336-B.)

These cases involved canned tomato puree that contained excessive mold.

On June 29 and July 1, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in

the district court libels praying seizure and condemnation of 1,003 cases and 147 cans of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about June 8, 1935, by the Rio Grande Valley Canning Co., from Mission, Tex., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Valley Rose Brand Tomato Puree * * * Packed by Riona Products Co., Inc., McAllen, Texas." The remainder was labeled in part: "Puree A and F Brand Tomatoes * * * Packed and Shipped by Rio Grande Valley Canning Co., Edinburg, Texas."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On July 30, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25186. Adulteration and misbranding of sirup. U. S. v. Three Drums of Maple Sirup. Default decree of condemnation and destruction. (F. & D. no. 35740. Sample no. 28802-B.)

This case involved a product consisting of a mixture of sugar sirup and maple sirup which was sold as pure maple sirup.

On July 11, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three drums of maple sirup at Wattsburg, Pa., alleging that the article had been shipped on or about April 25, 1935, by Alonzo L. Eastman and Harry H. Whitney, from Wattsburg, Pa., to North Clymer, N. Y., that it had been reshipped from North Clymer, N. Y., to Alonzo L. Eastman, Wattsburg, Pa., on or about June 10, 1935, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The drums were stenciled: "Cary Maple Sugar Co., St. Johnsbury Vt."

The article was alleged to be adulterated in that sugar sirup had been substituted in part for maple sirup which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, namely, maple sirup.

On August 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25187. Adulteration of dried peaches and dried apples. U. S. v. Rosenberg Bros. & Co. Plea of guilty. Fine, \$200. (F. & D. no. 33815. Sample nos. 45167-A, 54498-A, 61819-A.)

This case was based on an interstate shipment of dried peaches and dried apples, samples of which were found to be dirty and moldy.

On November 27, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rosenberg Bros. & Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act on or about December 4, 1933, from the State of California into the District of Columbia of a quantity of dried peaches, and on or about March 5, 1934, from the State of California into the State of Texas of a quantity of dried apples, which products were adulterated. The peaches were labeled in part: "Approval Brand California Recleaned Fancy Peaches Distributed by M. E. Horton Inc. Washington D. C." The apples were labeled in part: "25 Lbs. Net California Evaporated Apples."

The articles were alleged to be adulterated in that they consisted in part of filthy vegetable and animal substance.

On September 28, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

W. R. GREGG, *Acting Secretary of Agriculture.*

25188. Adulteration of dried peaches. U. S. v. Rosenberg Bros. & Co. Plea of guilty. Fine, \$100. (F. & D. no. 32190. Sample no. 14517-A.)

This case involved a shipment of dried peaches, samples of which were found to be moldy and dirty.

On July 9, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rosenberg Bros. & Co., a corporation,