

On November 16 and November 18, 1936, the Apple Growers Association, Hood River, Oreg., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond for salvaging.

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

26893. Misbranding of shelled pecans. U. S. v. 195½ Cases of Shelled Pecans. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 38813. Sample no. 12259-C.)

The containers of this product had a false bottom and bore an erroneous declaration of the quantity of the contents.

On December 14, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195½ cases, each containing 12 cardboard baskets, of shelled pecans, at Somerville, Mass., alleging that they had been shipped in interstate commerce on or about November 18, 1936, by the Southland Pecan Co. Inc., from Columbus, Ga., and charging misbranding in violation of the Food and Drugs Act as amended. They were labeled in part: "Fresh Gold Medal Shelled Nuts Net Weight 7 [the figure 7 had been written over a printed figure 6] Oz. when packed Southland Pecan Co. Inc. Columbus, Ga."

The article was alleged to be misbranded in that the statement "Net Wt. 7 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article in packages containing less than 7 ounces. Misbranding was alleged for the further reason that the package was slack-filled and bore a device, namely, a cardboard false bottom, which was misleading since the package did not contain the quantity of food it purported to contain. 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 quantity stated was not correct.

On January 4, 1937, the Southland Pecan Co. Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the old labels be destroyed and new labels affixed correctly describing the product.

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

26894. Adulteration and misbranding of butter. U. S. v. 26 Boxes of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 28829. Sample nos. 11684-C, 11687-C, 11689-C.)

This butter contained less than 80 percent by weight of milk fat.

On November 27, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 boxes of butter at Springfield, Mass., consigned about November 16, 1936, alleging that it had been shipped in interstate commerce by North American Creameries, Inc., from Oaks, N. Dak., and charging adulteration and misbranding in violation of the Food and Drugs Act.

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, which it purported to be, the act of Congress of March 4, 1923, providing that butter shall contain not less than 80 percent by weight of milk fat.

It was alleged to be misbranded in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, butter.

On December 22, 1936, North American Creameries, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contained at least 80 percent by weight of milk fat.

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

26895. Adulteration of frozen shrimp. U. S. v. 4 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 38831. Sample no. 17537-C.)

This product was in whole or in part decomposed.

On December 3, 1936, 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 four boxes of frozen shrimp at New York, N. Y., alleging that the article had been shipped