

27204. Adulteration of butter. U. S. v. 15 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 39290. Sample no. 20543-C.)

This case involved a shipment of butter that was deficient in milk fat.

On March 15, 1937, 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 15 tubs of butter at Boston, Mass., alleging that it had been shipped by the Mohican Co., from Haverhill, Mass., that it was en route to New York, N. Y., and that it was adulterated in violation of the Food and Drugs Act. The consignment was a rejected lot which was delivered for shipment on March 11, 1937, by the Mohican Co., for return to the original shipper. The article was labeled in part: "To Zimmer & Dunkak, Duane St., N. Y. * * * The Mohican Co., Haverhill, Mass."

It 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 that should contain not less than 80 percent by weight of milk fat.

On March 31, 1937, Zimmer & Dunkak, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under cash bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

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

27205. Adulteration of frozen whitefish. U. S. v. 70 Boxes and 70 Boxes of Whitefish. Consent decrees of condemnation with provision for release under bond subject to reshipment to country of origin. (F. & D. nos. 39291, 39292. Sample nos. 26597-C to 26600-C, incl.)

These cases involved imports of whitefish that was worm-infested.

On March 16, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 140 boxes of whitefish at New York, N. Y., alleging that the article had been shipped on or about March 5 and March 9, 1937, by A. Straker from Montreal, Canada, into the State of New York and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Product of Canada The Waite Fisheries Big River Sask. Canada."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance, and in that it consisted of portions of animals unfit for food.

On April 15, 1937, Abraham Straker, 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 conditioned that it be reshipped to country of origin and further conditioned that if it be refused admission to Canada, it be destroyed.

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

27206. Adulteration of canned tomato soup. U. S. v. 82 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. & D. no. 39295. Sample no. 33103-C.)

This case involved a shipment of tomato soup that contained worm debris and excessive mold.

On March 29, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 82 cases of canned tomato soup at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about January 23, 1937, by the Pacific Northwest Canning Co., from Hayward, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Val Vita Brand Tomato Soup * * * Packed by Val Vita Food Products Inc., Fullerton, California."

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

On April 28, 1937, no claimant appearing judgment of condemnation was entered and it was ordered that the product be destroyed.

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