

under bond conditioned that the unfit portion be segregated and destroyed or denatured so that it could not be disposed of for human consumption.

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

28612. Adulteration of evaporated apples. U. S. v. 300 Cases of Evaporated Apples. Consent decree of condemnation. Product released under bond. (F. & D. No. 40628. Sample No. 62827-C.)

This product was in part wormy, moldy, and decomposed.

On October 28, 1937, 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 300 cases of evaporated apples at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about September 29, 1937, from Bentonville, Ark., by Bentonville Evaporator Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Choice Evaporated Apples * * * Packed by Bentonville Evaporator Co., Bentonville, Arkansas."

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

On December 13, 1937, Bentonville Evaporator Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of this Department.

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

28613. Adulteration of tomato and celery juice. U. S. v. 4 Cases of Tomato and Celery Juice. Default decree of condemnation and destruction. (F. & D. No. 40708. Sample No. 1133-C.)

Samples of this product were found to be decomposed.

On November 18, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of tomato and celery juice at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about April 11, 1936, from Clearfield, Utah, by Woods Cross Canning Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Celto Brand Tomato and Celery Juice * * * Packed for Blake and Blackinton, Ogden, Utah."

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

On January 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28614. Adulteration of butter. U. S. v. 39 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond conditioned that it be reworked. (F. & D. No. 41800. Sample Nos. 13891-D, 940-D.)

This product was deficient in milk fat.

On February 11, 1938, 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 39 tubs of butter at Somerville, Mass., consigned about February 1, 1938, alleging that the article had been shipped by the Farmers Cooperative Creamery Co. from Boyden, Iowa, and charging adulteration 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 approved March 4, 1923, providing that butter should contain not less than 80 percent of milk fat.

On February 15, 1938, First National Stores, Inc., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the butter was ordered released under a cash bond conditioned that it be reworked so as to contain at least 80 percent of milk fat.

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

28615. Adulteration of flour. U. S. v. 350 Sacks of Flour (and 2 other seizure actions against the same product). Consent decree of condemnation. Product released under bond to be denatured. (F. & D. Nos. 40639, 41074, 41075. Sample Nos. 38465-C, 56518-C, 57338-C.)

Samples of this product were found to be infested with insects and larvae.

On November 1 and December 13, 1937, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture,

filed in the district court libels praying seizure and condemnation of 832 sacks of flour at Newark and Port Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 22 and July 6 and 7, 1937, from Fort Worth, Tex., by Burrus Mill & Elevator Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "High Gluten Prudential Flour, Milled Expressly for Prudential Flour Co., Inc., Newark, N. J."

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

On February 17, 1938, the cases having been consolidated and Prudential Flour Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured and disposed of for purposes other than as food for human consumption.

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

28616. Adulteration of butter. U. S. v. 124 Tubs of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 41877. Sample Nos. 2938-D, 2939-D.)

This product contained less than 80 percent of milk fat.

On February 15, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 tubs of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about January 27, 1938, by Armour Creameries from Enid, Okla., and charging adulteration 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, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 23, 1938, Armour & Co. having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard.

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

28617. Misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Decree of condemnation and forfeiture. Property ordered released under bond for repacking and relabeling. (F. & D. No. 41696. Sample No. 13892.)

These potatoes were below the grade represented on the label.

On February 12, 1938, 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 400 sacks of potatoes at Boston, Mass., alleging that the article had been shipped on or about February 4, 1938, in interstate commerce by the Green Potato Co. from Bridgewater, Maine, and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "U. S. No. 1 Maine Potatoes Green Star Brand Packed by Green Potato Co. Houlton, Me."

It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. No. 1 grade.

On February 18, 1938, H. E. Gustin Sons, Boston, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered. It was ordered that the property be released to claimant under bond, conditioned that the potatoes be removed from the sacks and repacked in new sacks to be properly labeled.

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

28618. Adulteration and misbranding of jelly. U. S. v. 27 Cases of Jelly. Default decree of condemnation. Product ordered delivered to welfare organizations. (F. & D. No. 40231. Sample No. 41894-C.)

This product was deficient in fruit juice.

On August 31, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of jelly at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about August 6, 1937, by Gold Label Kitchens, Inc., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.