

On March 7, 1938, W. T. Onley Canning Co., Snow Hill, Md., claimant, having consented to the entry of a decree, the product was ordered released under bond conditioned that it be relabeled.

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

28870. Adulteration of candy. U. S. v. 19 Boxes of Fig Bars. Default decree of condemnation and destruction. (F. & D. No. 41813. Sample No. 2019-D.)

This product contained rodent hairs, insect fragments, and dirt.

On February 21, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 boxes of candy fig bars at Canton, Ohio, alleging that the article had been shipped in interstate commerce on or about January 10, 1938, from Chicago, Ill., by Dante Candy Co., of Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dante's Doctor's Orders * * * Fig Bars * * * Dante Candy Co., Inc., Chicago, Ill."

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

On April 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28871. Misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Consent decree of condemnation. Product released under bond for removal of tags. (F. & D. No. 42120. Sample No. 16811-D.)

This product was represented to be U. S. Commercial grade but fell below that grade because of excessive defects.

On April 1, 1938, 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 360 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 26, 1938, from Rosholt, Wis., by Alois Firkus and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Firkus Brand Alois Firkus, Stevens Point, Wisconsin."

The article was alleged to be misbranded in that the statement "U. S. Commercial" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. Commercial grade.

On April 4, 1938, Alois Firkus, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that its tags be removed.

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

28872. Adulteration of butter. U. S. v. 3 Cubes of Butter. Default decree of condemnation. Product delivered to charitable institution. (F. & D. No. 42041. Sample No. 18462-D.)

This product contained less than 80 percent of milk fat.

On March 14, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 29, 1937, from Plainview, Tex., by Plainview Cooperative Creamery, 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 April 5, 1938, no claimant having appeared, judgment of condemnation was entered, and on April 12, 1938, the product was ordered delivered to a charitable institution.

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

28873. Adulteration of butter. U. S. v. 105 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 42245. Sample No. 21714-D.)

This product contained less than 80 percent of milk fat.

On April 6, 1938, 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 105 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 23 and 26, 1938, from Aurora, Mo., by O. E. Moore, 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 April 19, 1938, Dauber Bros., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked.

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

28874. Adulteration of canned peas. U. S. v. 129 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. No. 41654. Sample No. 1593-D.)

Examination of this product showed the presence of decomposed peas.

On February 8, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 129 cases of canned peas at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce on or about June 24, 1937, from Aberdeen, Md., by C. W. Baker & Sons, for Lineboro Canning Co., Lineboro, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Baker's Brand Early June Peas * * * Distributors C. W. Baker & Sons, Aberdeen, Md."

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

On April 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28875. Adulteration of butter. U. S. v. 27 Tubbs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 42427. Sample Nos. 21739-D, 21740-D.)

This product contained less than 80 percent of milk fat.

On April 27, 1938, 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 27 tubbs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 14, 1938, from Marshall, Mo., by Page Milk Co., 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 April 27, 1938, S. S. Borden Co., 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 reworked.

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

28876. Adulteration of butter. U. S. v. 13 Tubbs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42171. Sample No. 14145-D.)

This product was deficient in milk fat.

On March 30, 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 13 tubbs of butter at Boston, Mass., consigned on or about March 22, 1938, alleging that the article had been shipped in interstate commerce by Land O'Lakes Creameries, Inc., from Minneapolis, Minn., 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.

On April 14, 1938, Land O'Lakes Creameries, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the