

Agriculture, filed in the district court libels praying seizure and condemnation of three 10-gallon cans of cream at New Martinsville, W. Va., alleging that the article had been shipped in part on or about August 28 and 30, 1937, from New Matamoras, Armstrong Mills, and Bealsville, Ohio, by Bowser Sales & Trading Corporation, 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, and putrid animal substance.

On August 31 and September 4, 1937, the owners of the product having consented, judgments of condemnation were entered and the product was ordered destroyed.

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

**28954. Adulteration of crab apples. U. S. v. 27 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. No. 41354. Sample No. 59215-C.)**

This product was contaminated with excessive arsenic and lead.

On or about October 14, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bushels of crab apples at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about September 28, 1937, by Virgil Goth from Coloma, Mich., to himself at Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28955. Misbranding of canned cherries. U. S. v. 180 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 40742. Sample No. 60553-C.)**

This product fell below the standard established by this Department because it contained excessive pits, and it was not labeled to indicate that it was substandard.

On November 15, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 cases of canned cherries at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about August 19, 1937, by Ray A. Ricketts Co. from Canon City, Colo., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "O-Joy Brand \* \* \* Red Pitted Cherries \* \* \* Packed by Ray A. Ricketts Company."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that there was present more than 1 cherry pit per each 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 23, 1938, four cases of the product having been seized and no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28956. Adulteration and misbranding of butter. U. S. v. 5 Cases of Sunlight Creamery Butter. Default decree of forfeiture. Product ordered delivered to a charitable institution. (F. & D. No. 40192. Sample No. 53330-C.)**

This product was deficient in milk fat.

On August 9, 1937, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of butter at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about August 2, 1937, by the Louisville Creamery from Louisville, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunlight Creamery Butter \* \* \* The Cudahy Packing Co."

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 which should contain not less than 80 percent of milk fat.

The article was alleged to be misbranded in that the statement "Butter," on the carton, was false and misleading and deceived and misled the purchaser.

On September 15, 1937, no claimant having appeared, judgment was entered ordering the product forfeited and sold. On September 23, 1937, no sale having been effected, an amended decree was filed ordering the product delivered to a charitable institution.

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

**28957. Adulteration and misbranding of butter cookies. U. S. v. 219 Packages of Butter Cookies. Default decree of condemnation and destruction. (F. & D. No. 41839. Sample No. 13909-D.)**

This product was represented to be butter cookies but contained little or no butter.

On March 1, 1938, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 219 packages of butter cookies at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about January 12, 1938, from Lowell, Mass., by the Megowen Educator Food Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Educator Butter Cookies \* \* \* Megowen Educator Food Co., Cambridge, Mass."

The article was alleged to be adulterated in that a substance containing little or no butter had been mixed and packed therewith so as to reduce or lower its quality and strength and had been substituted in whole or in part for the article; and in that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Butter Cookies," on the package and branded on the cookies, was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing little or no butter.

On March 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28958. Adulteration and misbranding of candy. U. S. v. 10 Boxes of Candy Bars, et al. Default decree of condemnation and destruction. (F. & D. No. 41487. Sample No. 2242-D.)**

Samples of this product were found to be infested with insects. Moreover, the statement of the quantity of contents appearing on a portion was incorrect and was inconspicuously placed.

On January 21, 1938, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 boxes of candy bars and 120 caramels at Fort Smith, Ark., alleging that the articles had been shipped in interstate commerce on or about September 11, 1937, from Dallas, Tex., by the Consolidated Candy Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled: "Consolidated Candy Co. Dallas, Texas."

They were alleged to be adulterated in that they consisted in part of filthy vegetable substances.

The bars were alleged to be misbranded in that the statement of quantity on the wrapper "1½ oz. or over," was false and misleading and tended to deceive and mislead the purchaser since the said bars were short weight and did not weigh 1½ ounces or more each; and in that the quantity of contents was not plainly and conspicuously marked on the outside of the package in terms of weight since the quantity stated was not correct, and since it appeared on the bottom of each bar in an inconspicuous place on the wrapper.

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

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

**28959. Misbranding of oil. U. S. v. 34 Cans of Alleged Olive Oil. Default decree ordering product delivered to charitable institutions. (F. & D. No. 41267. Sample No. 301-C.)**

This product was labeled to convey the impression that it was olive oil, whereas it was artificially colored and flavored cottonseed oil.