

district court five libels praying seizure and condemnation of 355 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about April 23 and May 2 and May 5, 1938, in various shipments from Clymer, Sherman, Curthage, Croghan, and Harrisville, N. Y., by Robert H. Maroney; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, Robert H. Maroney, St. Regis Falls, N. Y., claimant, having admitted the allegations of the libels, the product was ordered released under bond conditioned that it be deleaded.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29133. Adulteration of cheese. U. S. v. 14 Boxes of Cheese. Default decree of condemnation and destruction. (F. & D. No. 42255. Sample No. 16459-D.)

This product contained an excessive amount of moisture.

On April 26, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 boxes of cheese at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about April 7, 1938, from Hustisford, Wis., by M. P. E. Radloff; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance containing excessive moisture had been substituted wholly or in part for the article.

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

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29134. Misbranding of peanut butter. U. S. v. 44 Cases and 30 Cases of Peanut Butter (and 1 similar seizure action). Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 42428-D, 42429-D, 42433-D. Sample Nos. 16352-D, 16355-D, 16356-D.)

This product was short weight.

On May 18, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 129 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on various dates between December 17, 1937, and April 25, 1938 from Birmingham, Ala., and Jackson, Miss., by the Alabama Vinegar Co., of Birmingham, Ala.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White House Peanut Butter * * * Alabama Vinegar Co. Birmingham, Ala."

It was alleged to be misbranded in that the statements variously borne on the label, "Contents 1 Lb.," "Contents 16 Oz. Avoir.," and "Contents 8 Oz.," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it 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 quantities stated were not correct.

On June 27, 1938, Sessions Co., Inc., Enterprise, Ala., 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 relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29135. Misbranding of peanut butter. U. S. v. 18 Cases and 233 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. & D. Nos. 42361, 42397. Sample Nos. 16374-D, 16376-D.)

This product was short weight.

On May 10 and 14, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 251 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on March 4 and 11, 1938, from Brundidge, Ala., by J. D. Johnston, Jr. Co. Inc.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Johnston's * * * Peanut Butter * * * Packed by J. D. Johnston Jr. Co. Inc. Brundidge, Ala."

The article was alleged to be misbranded in that the statements "8 [or "32"] Oz. Net Wt. When Packed," on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it 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 quantities stated were not correct.

On June 27, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29136. Adulteration and misbranding of liquors. U. S. v. 88 Sacks of Liquors. Default decree of condemnation and destruction. (F. & D. No. 37574. Sample No. 40721-B.)

On October 5, 1933, March 20, and May 29, 1934, the United States attorney for the Western District of Washington filed in the district court a libel and amendments thereto, praying condemnation of 88 sacks, containing 874 quarts of whisky and gin, at Tacoma, Wash.; alleging that the articles had been seized by United States customs agents on or about October 21, 1925, and in the possession of A. C. Smith and E. P. Fisher, that they had been smuggled into the United States; and charging intended disposal of the products in fraud of the internal revenue laws. No claimant appeared and no further action was taken under the said libel.

At the request of the United States attorney, the products were examined with a view to the institution of condemnation proceedings under the Food and Drugs Act. Such examination revealed that they were adulterated or misbranded, or both, many lots being diluted with water, and some containing mold growths. In practically all lots, the quantity-of-contents statement was incorrect, not properly made, or illegible. Some lots were falsely represented to be genuine Scotch whiskies.

On or about April 24, 1936, the United States attorney, acting upon a report of such finding, filed a libel praying condemnation of said products; alleging that the articles had been shipped from some port outside of the United States into the State of Washington on or about October 21, 1925; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Certain lots were alleged to be adulterated in that water had been substituted in whole or in part for the articles and, in some instances, they consisted in whole or in part of filthy animal or vegetable substances.

Certain lots of the articles were alleged to be misbranding in that their labels bore false and misleading statements representing them to be genuine products of Scotland. Most of the lots were alleged to be misbranded in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages since some of them failed to bear such a statement, some of them did not contain the quantity in terms of the largest unit, and in one instance the statement was illegible.

On November 16, 1936, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29137. Adulteration and misbranding of whitefish caviar. U. S. v. 56 Cans, et al., of Whitefish Caviar (and 6 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42290, 42443, 42444, 42445, 42507, 42909 to 42912, incl. Sample Nos. 10818-D, 16235-D to 16238-D, incl., 18682-D, 21442-D, 21443-D, 21444-D.)

Samples of this product were found to contain parasitic worms, fish scales and bones, and shell-type organisms. In addition, one lot was also short weight.

On April 30, May 27, and June 1 and 13, 1938, three United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 161 cans, 639 jars, and 1 barrel of whitefish caviar in various lots at Houston, Tex., Philadelphia, Pa., Chicago, Ill., and Hollywood, Calif.; alleging that the article had been shipped in interstate commerce on various dates between December 18, 1937, and January 31 and April 7, 1938, from New York, N. Y., by Rafco Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Portions of the article were labeled in part: "Riviera White Fish Caviar * * * Rafco, Inc. * * * New York." The remainder was labeled: "Amtorg Trading Corporation, New York."