

court a libel (amended November 15, 1938) praying seizure and condemnation of twenty-eight 32-pound cartons of butter at Youngstown, Ohio; alleging that the article had been shipped in interstate commerce on or about November 8, 1938, by Highland Creamery from Terre Haute, Ind.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Armour Star Quality Cloverbloom Butter."

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 as provided by act of March 4, 1923.

It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On or about November 28, 1938, Highland Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to claimant under bond conditioned that it be reworked to comply with the law.

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

29875. Adulteration of candy. U. S. v. 18 Boxes and 9 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43757, 43776. Sample Nos. 25110-D, 25113-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about September 17, 1938, the United States attorney for the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 boxes of candy at Panama City, and 9 boxes of candy at Quincy, Fla.; alleging that the article had been shipped on or about April 16 and May 21, 1938, by Bobs Candy & Pecan Co. from Albany, Ga.; 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 vegetable substance.

On November 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29876. Adulteration and misbranding of raspberry preserve. U. S. v. 39 Cases of Raspberry Preserve. Default decree of condemnation and destruction. (F. & D. No. 39630. Sample No. 21117-C.)

This product was deficient in fruit and contained an excessive amount of sugar and moisture.

On May 25, 1937, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of raspberry preserve at Burlington, Vt.; alleging that the article had been shipped in interstate commerce on or about October 1 and November 10, 1936, by Fresh Grown Preserve Corporation from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nature's Own Brand Pure Raspberry Preserve."

It was alleged to be adulterated in that an excessive amount of sugar, and moisture which should have been removed by boiling, had been mixed and packed with it so as to reduce or lower its quality, and in that a mixture of fruit and sugar, containing less fruit and more sugar than preserve, and fruit moisture which should have been removed by boiling, had been substituted for preserve, which the article purported to be. It was alleged to be adulterated further in that it had been mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Pure Raspberry Preserve" was false and misleading and tended to deceive and mislead the purchaser when applied to an article resembling preserve, but which contained less fruit than preserve; and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, preserve.

On November 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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