

30586. Adulteration and misbranding of butter. U. S. v. 28 Cases of Butter. Default decree of condemnation and destruction. (F. & D. No. 45153. Sample No. 45247-D.)

This product contained filth and was short weight.

On or about March 20, 1939, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of butter at Jacksonville, Fla.; alleging that the article had been shipped in interstate commerce on or about March 13, 1939, by Jefferson Creamery Co. from Americus, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Land O' Sunshine Creamery Butter. Net weight 1 Pound Packed for Winn & Lovett Grocery Co., Jacksonville, Florida."

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

It was alleged to be misbranded in that the statement "Net Weight 1 Pound," borne on the carton, was 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 packages, since the quantity stated was not correct.

On April 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30587. Adulteration of dried peaches and dried apricots. U. S. v. 499 Cases of Dried Peaches and 999 Cases of Dried Apricots. Consent decree of condemnation. Products released under bond for segregation and appropriate disposal of unfit portions. (F. & D. Nos. 45195, 45196. Sample Nos. 37147-D, 37148-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination they were in part moldy, dirty, and insect-infested.

On April 14, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 499 cases of dried peaches and 999 cases of dried apricots at New York, N. Y.; alleging that the articles had been shipped on or about March 21, 1939, from San Francisco, Calif., by Walter M. Field & Co.; and charging adulteration in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy and decomposed vegetable substances.

On May 16, 1939, Joseph Marks, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the products were ordered released under bond conditioned that the good portion might be salvaged by sorting if practicable. The decree provided further that the unfit portion, or the entire lot, if sorting was unsuccessful, be destroyed or disposed of for hog feed.

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

30588. Adulteration of lobster tails. U. S. v. 734 Boxes of Lobster. Default decree of condemnation and destruction. (F. & D. Nos. 45048 to 45052, inclusive. Sample Nos. 59849-D, 59850-D, 59851-D, 59853-D, 59855-D, 59856-D.)

This product, which had been imported, at the time of examination was found to be in part decomposed.

On March 20, 1939, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 734 boxes of lobster tails at Brooklyn, N. Y.; alleging that the article had been imported from the Hickson Canning Co. Pty., Ltd., Capetown, South Africa, within the period from on or about January 3 to on or about May 5, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously in part: "Cape Rock Lobster"; "Excelsior Brand Selected Rock Lobster Tails"; and "Specially Selected Cape Rock Lobster Tails."

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance, i. e., lobster tails.

On May 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30589. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter (and 1 other seizure action against same product). Consent decrees of condemnation. Product released under bond to be reworked. (F. & D. Nos. 45344, 45380. Sample Nos. 60245-D, 60247-D, 60678-D, 60679-D.)

This product contained less than 80 percent of milk fat.

On May 5 and 11, 1939, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 144 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about April 26, 1939, and on or about May 2, 1939, by Tekamah Cooperative Creamery from Tekamah, Nebr.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained 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 law.

A portion 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 May 18 and 22, 1939, Tekamah Cooperative Creamery Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

30590. Adulteration of flour. U. S. v. 320 Bags and 180 Bags of Flour. Consent decree of condemnation. Product released under bond to be converted into stock feed. (F. & D. Nos. 44767, 44768. Sample Nos. 50242-D, 50243-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be infested with insects and mites.

On February 4, 1939, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 bags of flour at Greenville, Miss.; alleging that the article had been shipped on or about December 9, 1937, by Fredericktown Milling Co. from Fredericktown, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "So-Lite * * * Biscuit Flour * * * Madison County Mlg. Co."

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

On May 25, 1939, the Mississippi Valley Co., Inc., Greenville, Miss., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be converted into stock feed under the supervision of this Department.

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

30591. Adulteration of peanut butter. U. S. v. 200 Cases of Peanut Butter (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 44821, 44870, 44871. Sample Nos. 39818-D, 51095-D, 57013-D.)

This product contained rodent hair and insect fragments.

On February 10 and 18, 1939, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 50 cartons and 500 cases of peanut butter; alleging that the article had been shipped in interstate commerce on or about October 26, November 21, and December 3, 1938, from Norfolk, Va., by Southgate Foods, Inc.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Air Flight * * * Peanut Butter."

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.