

On October 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,250 cases of canned blackberries at Chicago, Ill., alleging that the article had been shipped on or about October 16, 1931, by Puyallup & Sumner Fruit Growers Association from Tacoma, Wash., and had been transported in interstate commerce from the State of Washington into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Charmed Land Brand Cultivated Evergreen Blackberries Packed by Puyallup and Sumner Fruit Growers Association, Puyallup Wash."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 22, 1932, the default of all parties having been noted, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19328. Adulteration and misbranding of butter. U. S. v. 6 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 27839. I. S. Nos. 52007, 52009. S. No. 5805.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On January 28, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on January 15, 1932, by the Western Creamery Co., from Wichita, Kans., and had been transported from the State of Kansas into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Clear Brook Creamery Butter."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On February 1, 1932, Wilson & Co. (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant for reworking, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19329. Adulteration of canned stringless beans. U. S. v. 118 Cases of Canned Stringless Beans. Default decree of condemnation and destruction. (F. & D. No. 24733. I. S. Nos. 017169, 08104. S. No. 3087.)

Samples of stringless beans from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On April 25, 1930, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 118 cases of canned stringless beans, remaining in the original and unbroken packages at Washington, D. C., alleging that the article had been shipped by Frey & Son (Inc.), from Baltimore, Md., on or about March 21, 1930, and had been transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Valliant's Delight Brand Cut Stringless Beans. * * * Packed by Wm. Valliant & Bro., Bellevue, Md."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On February 5, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19330. Adulteration of tomato puree. U. S. v. 24 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27248. I. S. No. 44791. S. No. 5426.)

Samples of tomato puree from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of West Virginia.

On November 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 cases of tomato puree, remaining in the original cans at Parkersburg, W. Va., alleging that the article had been shipped on or about August 21, 1931, by the Wooster Preserving Co. from Wooster, Ohio, and had been transported in interstate commerce from the State of Ohio into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Cedar Valley Brand Puree * * * Red Ripe Tomatoes. Packed by The Wooster Preserving Co., Wooster, Ohio."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance unfit for food.

On January 14, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19331. Misbranding of canned citrus fruit juices. U. S. v. 50 Cases of Pomorang Blended Citrus Fruit Juices. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26522. I. S. No. 12548. S. No. 4828.)

Examination showed the presence of a large amount of sugar in the canned citrus fruit juices involved in this action and the cans were found to contain less than the declared volume.

On June 27, 1931, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 cases of Pomorang blended citrus fruit juices, remaining in the original unbroken packages at Spokane, Wash., alleging that the article had been shipped by the Florida Fruit Cannery (Inc.), of Frostproof, Fla. (from Tampa, Fla.), on or about April 17, 1931, and had been transported in interstate commerce from the State of Florida into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Pomorang Brand Slightly Sweetened Blended Pure Citrus Fruit Juice Contents 8 fl. oz. Florida Fruit Cannery Inc. Divn. of L. Maxcy, Inc., Frostproof Florida."

It was alleged in the libel that the article was misbranded in that the statements, "Slightly sweetened blended pure citrus fruit juices" and "Contents 8 fl. oz.," were false and misleading, and deceived and misled the purchaser when applied to an article containing approximately as much added sugar as it contained sugar normal to citrus fruits, and in which the cans contained less than the declared volume. Misbranding was alleged for the further reason that the article 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 incorrect.

On July 23, 1931, A. T. Amos & Co., Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it be relabeled in a manner satisfactory to this department, and that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*