On August 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

21363. Misbranding of butter. U. S. v. 6 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30728. Sample no. 43261–A.)

This action involved a shipment of butter, which was found to be short weight.

On June 24, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six 50-pound boxes of butter at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about June 19, 1933, from the premises of Peter Hernig Sons, Philadelphia, Pa., to the premises of Peter Hernig Sons, Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Parchment wrapper) "One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net", was false and misleading and deceived and misled the purchaser. 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 package, since the statement made was incorrect.

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

21364. Adulteration of dried apple pulp. U. S. v. 812 Sacks of Dried Apple Pulp. Default decree of destruction. (F. & D. no. 30712. Sample no. 41214–A.)

This action involved a shipment of dried apple pulp which was found to contain arsenic and lead in amounts which might have rendered it injurious to health.

On July 11, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 812 sacks of dried apple pulp at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 15, 1933, by John C. Morgan Co., from Traverse City, Mich., and charging adulteration in violation of the Food and Drugs Act.

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

On August 31, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

21365. Misbranding of vinegar. U. S. v. 934 Cases of Vinegar. Product released to be relabeled. (F. & D. no. 30682. Sample no. 36182–A.)

Examination of samples of vinegar from the shipment involved in this case showed that the bottles contained less than the declared volume, also that the statement of volume was not made in terms of liquid measure.

On June 29, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 934 cases of vinegar at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about October 4, 1932, by Jones Bros. Co., from Albina, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Pure Cider Vinegar Contents 32 Oz. Jones Bros. Co., Inc. Portland, Ore."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 32 Oz.", was false and misleading and deceived and misled the purchaser. 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 package, since the