21400. Misbranding of salad oil. U. S. v. 25 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30879. Sample no. 50050–A.)

This case involved an interstate shipment of salad oil which was short volume.

On August 10, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cans of salad oil at Allentown, Pa., alleging that the article had been shipped in interstate commerce on or about March 13, 1933, by the Ragus Packing Co., from Long Island City, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon Salco Salad Oil Full Measure * * * Ragus Packing Corporation, Long Island City, N.Y."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Net Contents One Gallon * * * Full Measure", were false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package, since the statement made was incorrect.

On September 5, 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.*

21401. Adulteration of butter. U. S. v. 15 Cubes and 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30985. Sample no. 30892–A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 2, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 27, 1933, by the West Coast Produce, from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was 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 the act of March 4, 1923.

On August 12, 1933, the Fox River Butter Co., Inc., Seattle, Wash., claimant, having admitted the allegations of the libel 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 claimant upon payment of costs and the execution of a bond in the sum of $500, conditioned in part that it be reworked under the supervision of this Department.

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

21402. Adulteration of vinegar. U. S. v. 1 Tank Car (7,200 Gallons) of Cider Vinegar. Default decree of destruction. (F. & D. no. 30436. Sample no. 22089–A.)

This case involved a shipment of vinegar which contained arsenic in an amount which might have rendered the article injurious to health.

On April 17, 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 1 tank car containing approximately 7,200 gallons of cider vinegar at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 6, 1933, by the Speas Manufacturing Co., from Yakima, Wash., 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 arsenic, an added poisonous or deleterious ingredient, which rendered it injurious to health.

On June 3, 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.*