

17369. Adulteration and misbranding of butter. U. S. v. 29 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24683. I. S. No. 029018. S. No. 2931.)

On February 27, 1930, 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 of the United States for said district a libel praying seizure and condemnation of 29 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Universal Car Loading & Distributing Co., Des Moines, Iowa, on or about February 14, 1930, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 17, 1930, the Gowrie Cooperative Creamery Co., Gowrie, Iowa, 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 said claimant upon payment of costs and the execution of a bond in the sum of \$900, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17370. Adulteration of canned tuna. U. S. v. 49 Cases of Canned Tuna. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24446. I. S. No. 03197. S. No. 2716.)

On January 16, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 49 cases of canned tuna, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Van Camp Sea Food Co., alleging that the article had been shipped from Terminal Island, Calif., on or about November 21, 1929, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Catalina Brand All Light Meat Striped Tuna Packed by Van Camp Sea Food Co., Inc. * * * Terminal Island (Los Angeles Harbor)."

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

On May 23, 1930, T. A. James & Co., Philadelphia, Pa., having appeared as claimant for the property, 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 \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17371. Adulteration of butter. U. S. v. Sherman White & Co. Plea of guilty. Fine, \$150. (F. & D. No. 23738. I. S. Nos. 05793, 24014-x, 24015-x, 24016-x.)

On August 10, 1929, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sherman White & Co., a corporation, Fort Wayne, Ind., alleging shipment by said company, in violation of the food and drugs act, from the State of Indiana, in part on or about June 14, 1928, into the State of New York, and in part on or about February 28, 1929, into the State of Massachusetts, of quantities of butter which was adulterated. A portion of the article was labeled in part: "White Cross Creamery Butter * * * Manufactured by Sherman White & Company."

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent

by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

On May 13, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17372. Adulteration of butter. U. S. v. 23 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24846. I. S. No. 019323. S. No. 2926.)

On or about February 21, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 boxes of butter, remaining in the original unbroken packages at Auburn, Wash., alleging that the article had been shipped by the Clark Fork Creamery Co., Clarks Fork (Clark Fork) Idaho, about February 12, 1930, and transported from the State of Idaho into the State of Washington, 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 per cent of milk fat had been substituted for butter.

On March 10, 1930, the Auburn Dairy Products (Inc.), Auburn, 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 said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be made to conform with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17373. Misbranding of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24676. I. S. No. 028906. S. No. 2785.)

On January 24, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 cases of butter, remaining unsold at Union City, N. J., alleging that the article had been shipped by Heins & Co. (Inc.), Union City, N. J., on January 22, 1930, from New York, N. Y., in interstate commerce into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Fancy Print Butter Philadelphia Brand Sweet Eight Ounces."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Eight Ounces," 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 "Eight Ounces" was incorrect.

On March 17, 1930, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17374. Adulteration of grapefruit. U. S. v. 360 Cases of Grapefruit. Product adjudged adulterated and released under bond to be reconditioned. Good portion released; bad portion destroyed. (F. & D. No. 24666. I. S. Nos. 09600, 025737. S. No. 2890.)

On February 12, 1930, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 360 cases of grapefruit, remaining in the original unbroken packages at Chickasha, Okla., alleging that the article had been shipped by Herbert Abraham, from Sharyland (Shadyland), Tex., on or about February 3, 1930, and transported from the State of Texas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "March Seedless Blue-bonnet Texas Sweet, Texas Citrus Fruit Growers Exchange, Rio Grande Valley, Grower's No. 101." The remainder of the said article was labeled in part: "From the Land of the Rio Grande, Texas Sure Sweet Grape Fruit, Texas Citrus Fruit Grower's Exchange, Grower's No. 101."