

On November 22, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 87 cases of canned red raspberries remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by F. B. Huxley & Son from Ontario, N. Y., on or about October 9, 1929, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Huxson Brand Columbian Red Raspberries * * * Packed by F. B. Huxley & Son, Ontario, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 17, 1930, by the consent of F. B. Huxley & Son, 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.*

17697. Adulteration and misbranding of frozen whole eggs and frozen egg yolks. U. S. v. 339 Cans of Frozen Whole Eggs, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 24915, 24916, 24948. I. S. Nos. 2347, 2348, 2349, 028458, 028459. S. Nos. 3190, 3307.)

Samples of canned frozen whole eggs and frozen egg yolks from the herein described interstate shipments having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On July 17, 1930, and August 9, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels, and on August 28, 1930, an order amending the latter libel, praying seizure and condemnation of 636 cans of frozen whole eggs, and 798 cans of frozen egg yolks, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Land O'Lakes Creameries (Inc.), in various lots, in part from Minneapolis, Minn., on or about May 29, 1930, and in part from Minnesota Transfer, Minn., on or about December 20, 1929, and June 9, 1930, and had been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Mixed Whole Eggs [or "Whole Eggs" or "Yolks"] Guaranteed to comply with all pure food laws * * * Land O'Lakes Frozen Eggs. Land O'Lakes Creameries, Inc., Minneapolis, Minn."

It was alleged in the libels that the articles were adulterated in that a substance, sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength, and had been substituted in part for the said articles.

Misbranding was alleged for the reason that the statements "Mixed Whole Eggs," "Whole Eggs," or "Yolks," as the case might be, appearing on the labels of respective portions of the articles and the further statements "Frozen eggs, * * * these eggs * * * guaranteed to comply with all pure food laws," borne on the labels of all lots of the said articles were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were sold under the distinctive names of other articles.

On September 2, 1930, the Land O'Lakes Creameries (Inc.), New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$10,000, conditioned in part that they be relabeled to show that the whole eggs contained 1 per cent of sugar and the yolks contained 9 per cent of sugar.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17698. Adulteration and misbranding of butter. U. S. v. 33 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25264. I. S. No. 2543. S. No. 3323.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 4, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 33 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the F. H. Hatch Co., Edgewood, Iowa, on or about July 28, 1930, and had been 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 August 14, 1930, the F. H. Hatch Co., Edgewood, 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 \$1,000, or the deposit of cash bond in like amount, 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.*

17699. Adulteration and misbranding of butter. U. S. v. 7 Tubbs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25047. I. S. No. 6303. S. No. 3287.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On or about July 16, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 7 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Morning Glory Creameries, Houston, Tex., on or about July 9, 1930, and had been transported from the State of Texas into the State of Louisiana, 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 milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

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

On September 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.*

17700. Adulteration of blueberries. U. S. v. 10 Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25062. I. S. No. 2562. S. No. 3349.)

Samples of blueberries from the herein described interstate shipment having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 20, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cases of blueberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been recently shipped by K. Salminen, from West Rockport, Me., and transported from the State of Maine into the State of New York, 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 consisted in part of a filthy and putrid vegetable substance.

On September 2, 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.*