

containing 2 dozen cans, and 47 cases, each containing 1 dozen cans of grapefruit juice, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped from Jacksonville, Fla., by Roberts Bros. (Inc.), in part on or about February 5, 1931, and in part on or about February 26, 1931, and had been transported from the State of Florida into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended.

The article was labeled in part: (Cans) "Roberts Big R. Brand * * * Juice * * * Florida Grapefruit [or "Roberts Big R. Brand, Florida Grapefruit Juice"] * * * Packed by Roberts Bros. Inc., Winter Haven, Fla. Main Office. Baltimore, Md. U. S. A." The cans in three of the four lots bore statements of the quantity of the contents as follows: "Contents 8 oz.," "Contents 10½ Oz.," or "Contents 1 Pt. 2 Fl. Oz." The cans in the fourth lot bore the statement, "1 Pt. 2 Fl. Oz." overstamped with "3 Pt. 8 Fl. Oz."

It was alleged in the libel that the article was adulterated in that sugar had been substituted 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. Misbranding was alleged for the further reason that the statements on the can labels, "Juice * * * Grapefruit," or "Grapefruit Juice," were false and misleading and deceived and misled the purchaser when applied to grapefruit juice containing added sugar. Misbranding was alleged with respect to portions of the article for the further reason that the statements on the can labels, "Contents 3 Pt. 8 Fl. Oz.," "Contents 8 oz.," or "Contents 10½ Oz.," as the case might be, were false and misleading and deceived and misled the purchaser when applied to an article containing less amounts. Misbranding was alleged with respect to the said portions 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 statements made were not correct.

On April 21, 1931, Roberts Bros. (Inc.), Baltimore, Md., 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 until relabeled to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18557. Adulteration of canned prunes. U. S. v. 298 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. No. 25976. I. S. No. 24019. S. No. 4247.)

Samples of canned prunes 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 Kansas.

On March 4, 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 298 cases of canned prunes, remaining in the original unbroken packages at Goodland, Kans., alleging that the article had been shipped by Hunt Bros. Packing Co., from Salem, Oreg., on or about October 21, 1930, and had been transported from the State of Oregon into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Premio Italian Prunes. Distributors B. E. Bridges Co. Goodland, Kansas;" (can) "Premio Brand Italian Prunes. Packed by Hunt Bros. Packing Co. San Francisco, Calif. * * * California Oregon Fruit Distributors. B. E. Bridges Co., Goodland, Kansas."

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

On June 13, 1931, no claimant having appeared for the property, a decree was entered by the court, which was amended on June 22, 1931. The decree as amended adjudged the product adulterated and ordered that it be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18558. Misbranding of butter. U. S. v. 10 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26403. I. S. No. 15521. S. No. 4085.)

Sample cartons of butter from the shipment herein described having been found to contain less than 1 pound, the weight declared on the label, the

Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On January 20, 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 10 cases of butter, remaining unsold at Paterson, N. J., alleging that the article had been transported in interstate commerce from the premises of the C. & P. Butter Printing Co., of New York, to the premises of M. Klahr & Co., Paterson, N. J., on or about January 13, 1931, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pound Net Weight Valley Farm Print Butter, M. Klahr & Co., Distributors, Paterson, New Jersey."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net Weight," was false and misleading and deceived and mislead 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, "One Pound Net Weight," was incorrect.

On January 27, 1931, the owner of the product having requested that a decree of condemnation be entered, and the defaults of all persons 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.*

18559. Adulteration and misbranding of butter. U. S. v. 5 Cases, et al., of Butter. Default decree of forfeiture. Product distributed to charitable institutions. (F. & D. No. 25265. I. S. Nos. 6344, 6345. S. No. 3384.)

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

On or about August 11, 1930, the 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 butter, remaining in the original packages at Mobile, Ala., alleging that the article had been shipped by the Morning Glory Creameries, from Nashville, Tenn., on or about July 29, 1930, and had been transported from the State of Tennessee into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Morning Glory Butter, Morning Glory Creameries Houston, Memphis, New Orleans, Nashville." The remainder of the said article was labeled in part: "Sweet Clover Butter * * * Manufactured by Morning Glory Creameries."

It was alleged in the libel that the article was adulterated in that a product 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 May (March) 4, 1923.

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

On November 12, 1930, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be delivered to charitable institutions.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18560. Adulteration of canned prunes. U. S. v. 13 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26244. I. S. No. 27893. S. No. 4566.)

Samples of canned prunes from the shipment herein described having been found to be moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On April 17, 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 13 cases of canned prunes, remaining in the original unbroken packages at Chester, Pa., consigned by Paulus Bros. Packing Co., Salem, Oreg., alleging that the article had been shipped from Salem, Oreg., on or about January 24, 1931, and had been transported from the State of Oregon into the State of Pennsylvania, and charging adulteration in violation of the food