

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

and drugs act. The article was labeled in part: "Red Tag Choice Fresh Oregon Prunes * * * Paulus Bros. Packing Co., Salem, Oregon."

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

On May 11, 1931, 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.*

18561. Adulteration of apples. U. S. v. 160 Barrels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25286. I. S. Nos. 9535, 9536. S. No. 3555.)

Arsenic having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On October 30, 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 160 barrels of apples, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by George E. Petley, from Winchester, Va., on or about October 22, 1930, and had been transported from the State of Virginia into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Packed by George E. Petley, Winchester, Va. Wray Goodwin & Keyt, Lynchburg, Va., shippers."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, namely, arsenic, which might have rendered it injurious to health.

On November 3, 1930, H. W. Farrel, New York, N. Y., 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, conditioned in part that it be treated by wiping, washing, or otherwise, so as to remove the arsenic.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18562. Adulteration of canned pimientos. U. S. v. 9½ Cases of Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25351. I. S. No. 4361. S. No. 3616.)

Samples of canned pimientos 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 Western District of Virginia.

On or about November 25, 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 nine and one-half cases of pimientos, remaining in the original unbroken packages at Lexington, Va., alleging that the article had been shipped by Von Bremen-Asche-DeBruyn (Inc.), from Vienna, Ga., on or about September 29, 1930, and had been transported from the State of Georgia into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Plee-Zing Pimientos Packed for George W. Simmons Corporation, St. Louis By Von Bremen-Asche-DeBruyn, Inc., Distributors."

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

On June 2, 1931, 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.*

18563. Adulteration and misbranding of frozen egg yolks. U. S. v. 332 Cans of Frozen Egg Yolks. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 26289. I. S. No. 28342. S. No. 4596.)

Samples of frozen egg yolks from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On April 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-