

of milk fat. (This department has no record that the article was labeled butter, and made no recommendation as to misbranding.)

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 such portions of the product as were passed by a representative of this department as fit for human consumption be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18571. Adulteration of butter. U. S. v. 6 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 26435. I. S. No. 30094. S. No. 4584.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent 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 New York.

On April 8, 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 six tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Elevator Co., Wallingford, Iowa, March 4, 1931, and had been transported from the State of Iowa 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 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 of milk fat as provided by law.

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 portions of the product passed by a representative of this department as fit for human consumption be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18572. Adulteration of canned prunes. U. S. v. 98 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26238. I. S. No. 27976. S. No. 4568.)

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 Eastern District of Pennsylvania.

On April 15, 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 98 cases of canned prunes, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Paulus Bros. Packing Co., Portland Oreg., alleging that the article had been shipped from Portland, 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: (Can) "Arks Run Brand Fresh Prunes Packed Exclusively for United Wholesale Grocery Co., Inc., Phila., Pa."

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

On May 7, 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.*

18573. Adulteration of barley mixed oats, and adulteration and misbranding of mixed feed oats. U. S. v. 300 Sacks of Barley Mixed Oats, et al. Products ordered released under bonds. (F. & D. Nos. 26282, 26283, 26285, 26286. I. S. Nos. 26526, 26529, 26543, 26548. S. No. 4622.)

Samples of barley mixed oats from the shipments herein described were found to contain added water. Samples of the mixed feed oats were found to contain grains other than mixed feed oats, also added water.

On April 25, 1931, the United States attorney for the Northern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 663 sacks of barley mixed oats and 200 sacks of mixed feed oats, remaining in the original unbroken packages in various

lots at Whitney, Sumner, Evansville, and Lambert, Miss., alleging that the articles had been shipped by Embrey E. Anderson, Memphis, Tenn., in part on or about April 10, 1931, and in part on or about April 11, 1931, and had been transported from the State of Tennessee into the State of Mississippi, and charging adulteration with respect to the former and adulteration and misbranding with respect to the latter, in violation of the food and drugs act. The articles were labeled in part, respectively, "Barley Mixed Oats" and "Daisy Recleaned Mixed Feed Oats."

Adulteration of the barley mixed oats was alleged for the reason that added water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality. Adulteration of the mixed feed oats was alleged for the reason that a substance consisting of grains other than mixed feed oats, containing added water, had been mixed and packed with the articles, so as to reduce, lower, and injuriously affect its quality and had been substituted in part for pure mixed feed oats.

Misbranding of the said mixed feed oats was alleged for the reason that the article was offered for sale under the distinctive name of another article and for the further reason that the statement on the label, "Mixed Feed Oats," was false and misleading and deceived and misled the purchaser.

On May 2, 1931, Embrey E. Anderson, Memphis, Tenn., having appeared as claimant for the property, judgments were entered ordering that the products be released to the said claimant upon the execution of bonds totaling \$1,400, conditioned in part that they should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18574. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 26436. I. S. No. 30092. S. No. 4582.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent 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 New York.

On April 8, 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 five tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Gilt Edge Creamery Co., Plainfield, Iowa, March 26, 1931, 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 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 of milk fat as provided by law.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article; and for the further reason that it was labeled butter, which was false and misleading and deceived and misled the purchaser, since it contained less than 80 per cent of milk fat.

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 such portions of the product as were passed by a representative of this department as fit for human consumption be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18575. Adulteration and misbranding of tomato catsup. U. S. v. 22 Cases of Tomato Catsup. No claim entered. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 26228. I. S. No. 27206. S. No. 4549.)

Examination of samples of tomato catsup from the shipment herein described having shown that the article was partially decomposed and artificially colored, and that the declaration of added color appearing on the label was inconspicuous, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Louisiana.

On April 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation