

On June 22, 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 crates of celery, remaining in the original unbroken packages at Newark, N. J., alleging that on or about June 16, 1931, the article had been shipped in interstate commerce into the State of New Jersey by W. C. Deyo, of New York, N. Y., 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 contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On July 15, 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.*

18791. Adulteration and misbranding of butter. U. S. v. 25 Cases of Sunlight Creamery Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26369. I. S. No. 14477. S. No. 3988.)

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

On January 10, 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 25 cases of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Sunlight Creameries from Washington Court House, Ohio, on or about December 24, 1930, and had been transported from the State of Ohio into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Sunlight Creamery Butter * * * The Cudahy Packing Co."

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 mixed and packed with it so as to reduce, lower, and injuriously affect its quality; and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress.

Misbranding was alleged for the reason that the product was offered for sale under the distinctive name of another article, to wit, butter; and for the further reason that the statement "Butter," borne on the label, was false and misleading and deceived and mislead the purchaser, in that the said statement represented that the article consisted wholly of butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, whereas it did not, but did consist of a product containing less than 80 per cent by weight of milk fat.

On February 14, 1931, the Cudahy Packing Co., Savannah, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, 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 good and sufficient bond, conditioned in part that it be reworked so that it comply in all respects with the Federal food and drugs act, both as to quality and labels.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18792. Adulteration and misbranding of butter. U. S. v. 9 Tubs, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27115, 27162. I. S. Nos. 31022, 28646. S. Nos. 4903, 5008.)

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

On or about June 30, 1931 and July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 16 tubs of butter, remaining in the original unbroken packages at Baltimore, Md., consigned in part on June 23, 1931, and in part about July 18, 1931, alleging that the article had been shipped by the Rosholt Creamery Co., of Rosholt, Wis., the former from Chicago, Ill., and