

the latter from Rosholt, Wis., and had been transported from the States of Illinois and Wisconsin into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article; misbranding was alleged with respect to a portion of the article for the further reason that the labeling bore the statement "Butter," which was false and misleading and deceived and misled the purchaser; and with respect to the remainder of the article for the reason that the label bore the statement (on invoice) "Butter," which was false and misleading and deceived and misled the purchaser.

On July 10, 1931 and August 17, 1931, the H. L. Piel Co., Baltimore, Md., having appeared as claimant for the property, judgments of condemnation and forfeiture were 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 bonds totaling \$600, conditioned in part that it should not be sold or disposed of until reworked and brought to 80 per cent of milk fat, so that it conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18793. Adulteration of shrimp in glass. U. S. v. 76 Cases of Shrimp in Glass Jars. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 26302. I. S. No. 11843. S. No. 4619.)

Samples of shrimp 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 Southern District of California.

On April 29, 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 67 cases of shrimp in glass jars, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Pelican Lake Oyster & Packing Co., from Houma, La., on or about November 27, 1930, and had been transported from the State of Louisiana into the State of California, and charging adulteration in violation of the food and drugs act. On May 12, 1931, the libel was amended to cover 76 cases of the product. The article was labeled in part: (Jar) "Pellaco Fancy Louisiana Shrimp."

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

On July 21, 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.*

**18794. Adulteration and misbranding of butter. U. S. v. 6 Tubs, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. No. 27138. I. S. Nos. 15175, 35051. S. No. 4890.)

Examination of samples of butter from the shipments herein described having shown that the tub butter contained less than 80 per cent by weight of milk fat, the standard provided by Congress, and that the print butter was short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On or about June 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6 tubs of butter and 255 cases, each containing 32 pounds of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Swift & Co., Oklahoma City, Okla., the former on or about May 30, 1931, and the latter on or about June 6, 1931, and had been transported from the State of Oklahoma into the State of Louisiana, and charging adulteration and misbranding of the tub butter, and misbranding of the print butter in violation of the food and drugs act as amended. The tub butter was labeled in part: "Brookfield Creamery Butter Swift & Company." The print butter was labeled in part: (Carton) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter Quarters 1 Lb. Net Weight, Distributed by Swift & Company."

Adulteration of the tub butter was alleged in the libel for the reason that a product deficient in milk fat had been substituted for butter, which the 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 article purported to be.

Misbranding of the tub butter was alleged for the reason that it was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat. Misbranding of the print butter was alleged for the reason that the statement, "1 Lb. Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser; and 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 quantity stated on the package was not correct.

On June 24, 1931, Swift & Co. (Ltd.), New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were 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 bonds totaling \$3,150, conditioned that it be reworked or relabeled, as the case might be, under the supervision of this department, so that it meet the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18795. Misbranding of butter. U. S. v. 50 Cases of Butter. Consent decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 27121. I. S. No. 12949. S. No. 4962.)**

Samples of butter from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On June 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 of 50 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Swift & Co., from Portland, Oreg., on June 6, 1931, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrappers) "Glenwood Creamery Butter Distributed by Swift & Company, General Office; Chicago, U. S. A., Pasteurized 1 Lb. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Lb. Net Weight," was false and misleading, since the package contained less than 1 pound net; and 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 quantity stated was not correct.

On June 18, 1931, Swift & Co., having appeared as claimant for the property 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 \$676.80, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18796. Adulteration of celery. U. S. v. 350 Crates of Celery. Default decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 26706. I. S. No. 30546. S. No. 4850.)**

Samples of celery from the shipment herein described having been found to bear a large amount of arsenical spray residue, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 23, 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 350 crates of celery, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Sanford Oviedo Truck Growers' Association, from Avon Park, Fla., on or about June 18, 1931, and had been transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.