

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 the article injurious to health.

On July 1, 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.*

18797. Adulteration and misbranding of butter. U. S. v. Forty-three 30-Pound Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26760. I. S. No. 33945. S. No. 4844.)

Samples of butter from the shipment herein described were found to contain less than 80 per cent of milk fat, the standard provided by Congress; examination also showed that the cartons contained less than the declared weight.

On June 18, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty-three 30-pound cases of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Paul A. Schulze Co., St. Louis, Mo., June 3, 1931, and had been transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Blue Ribbon Brand Creamery Butter * * * One Pound * * * David W. Lewis & Company, New York;" (case) "From Paul A. Schulze Co. Mfrs. Butter, St. Louis, Missouri."

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 act of March 4, 1923.

Misbranding was alleged for the reason that the statement on the label, "One Pound Net," 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 statement, "One Pound Net," was incorrect.

David W. Lewis & Co. (Inc.), New York, N. Y. interposed a claim as agent for Paul A. Schulze Co., St. Louis, Mo., the owner of the product, and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 29, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18798. Adulteration of canned tomato puree. U. S. v. 19 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26455. I. S. No. 22265. S. No. 4743.)

Samples of canned tomato puree 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 Washington.

On May 28, 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 19 cases of canned tomato puree, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Meyer Simon Co., from Long Beach, Calif., on or about April 14, 1931, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Golden Ram Brand California Tomato Puree Bastanchury Ranch Company, Fullerton, Calif."

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 July 6, 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.*