

ordered by the court that the product be delivered to said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. The decree further ordered that upon compliance with the conditions of the bond, the unadulterated portion be released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19019. Adulteration of tullibeas. U. S. v. 6 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26805. I. S. No. 35552. S. No. 4967.)

Samples of tullibeas from the shipment herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On July 25, 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 boxes of tullibeas, remaining in the original packages at Des Moines, Iowa, alleging that the article had been shipped by Booth Fisheries Co., from Warroad, Minn., on or about July 17, 1931, and had been transported from the State of Minnesota into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "To Booth, Warroad, Lake of the Woods Tullibeas."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 6, 1932, 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.*

19020. Adulteration of tomato catsup. U. S. v. 54 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27057. I. S. No. 12604. S. No. 5302.)

Samples of canned tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Idaho.

On October 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 54 cases of tomato catsup, remaining in the original unbroken packages at Boise, Idaho, alleging that the article had been shipped by the Perry Canning Co., from Perry, Utah, on or about April 22, 1931, and had been transported from the State of Utah into the State of Idaho, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mountain Mac Brand Standard Catsup * * * Packed by Perry Canning Company, Perry, Utah."

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

On November 16, 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.*

19021. Adulteration of apples. U. S. v. 125 Bushels of Apples. Default decree of condemnation entered. Product destroyed. (F. & D. No. 27063. I. S. No. 39116. S. No. 5310.)

Lead arsenate 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 Western District of Pennsylvania.

On October 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 125 bushels of apples, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the American Fruit Growers (Inc.), from Youngstown, N. Y., on or about September 29, 1931, and had been transported from the State of New York into the State of Pennsylvania, 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, lead arsenate, which might have rendered it injurious to health.

On November 10, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal or delivered to a private benevolent organization of Pittsburgh. Objection having been made by a representative of this department to the release of the apples without provision being first made to insure the removal of the lead arsenate before their use, the marshal destroyed the product.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19022. Adulteration and misbranding of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27826. I. S. No. 45210. S. No. 5534.)

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 Northern District of Illinois.

On December 1, 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 30 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Whitehall Creamery Association, from Whitehall, Wis., on or about November 11, 1931, and had been transported from the State of Wisconsin into the State of Illinois, 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 substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold and shipped as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On December 3, 1931, Goldenberg Bros. & Co., Chicago, Ill., 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 to be reworked under the supervision of this department upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19023. Adulteration of canned tuna. U. S. v. 620 Cases of Canned Tuna. Tried to the court. Judgment for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 26364. I. S. No. 12424. S. No. 4700.)

Samples of canned tuna 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 14, 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 620 cases of canned tuna, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the California Sea Food Co., Los Angeles, Calif., on or about April 17, 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) "Tuna for Pets Not Intended for Human Consumption * * * California Packing Corporation * * * San Francisco, Calif."

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

On June 9, 1931, Morris Muskatel, Seattle, Wash., entered an appearance in the case and filed a claim and answer to the libel. On July 29, 1931, the case having come on for trial before the court, evidence was introduced on behalf