

the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel of information praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about September 24, 1931, alleging that the article had been shipped by George Freese's Sons Co., Fostoria, Ohio, and had been transported from the State of Ohio into the State of Massachusetts, and charging adulteration in violation of the food and drugs act as amended.

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, which the article purported to be.

On October 5, 1931, George Freese's Sons Co., claimant, 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 bond in the sum of \$250, 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. It was further ordered that the product be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19136. Adulteration of Brazil nuts. U. S. v. Wm. A. Higgins & Co. (Inc.).
Plea of guilty. Fine, \$100. (F. & D. No. 26662. I. S. No. 13687.)

Samples of Brazil nuts from the shipment herein described having been found to be moldy, rancid, decomposed, empty, or shriveled, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Wm. A. Higgins & Co. (Inc.), New York, N. Y., alleging shipment by said company on or about November 21, 1930, from the State of New York into the State of Illinois, of a quantity of Brazil nuts which were adulterated. The article was labeled in part: "Sun Glo Selected Large Washed Manaos Brazils Wm. A. Higgins & Co., Inc., New York."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On December 7, 1931, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19137. Adulteration and misbranding of grated cheese. U. S. v. 22 Dozen Packages of Grated Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27289. I. S. No. 31848. S. No. 5462.)

Examination of samples of grated cheese labeled American cheese from the shipments herein described having shown the product was not whole milk cheese and was deficient in fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

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 22 dozen packages of grated cheese, remaining in the original unbroken packages at Denver, Colo., consigned by the Borden Sales Co. (Inc.), alleging that the article had been shipped on or about August 25, 1931, and September 19, 1931, from Plymouth, Wis., and had been transported in interstate commerce from the State of Wisconsin into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Borden's Grated Cheese, American. * * * The Borden Sales Co., Inc., New York, Chicago, * * * Distributors;" (retail packages) "Borden's Grated American Cheese. Whole Milk Cheese combined with nutritious wholesome milk solids."

It was alleged in the libel that the article was adulterated in that a product other than cheese had been mixed and packed with and substituted for cheese.

Misbranding was alleged for the reason that the statements, "Cheese" and "American Cheese," were false and misleading and deceived and misled the purchaser; misbranding was further alleged in that the product was sold under the distinctive name of another article.

On February 9, 1932, no claimant having appeared, 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.*

19138. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27663. I. S. No. 42707. S. No. 5651.)

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 New York.

On December 21, 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 15 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Conger Cooperative Creamery, Conger, Minn., on or about December 12, 1931, and had been transported from the State of Minnesota 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.

Gude Bros., Kieffer Co., agent for the Conger Cooperative Creamery Association, Conger, Minn., interposed a claim for the product and admitted the allegation 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 January 25, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19139. Adulteration of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27841. I. S. No. 42724. S. No. 5785.)

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 New York.

On January 19, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven tubs of butter at New York, N. Y., alleging that the article had been shipped by the West Union Farmers Creamery Co., West Union, Iowa, through the Cooperative Creamery Dairy Line, Independence, Iowa, on or about January 8, 1932, 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.

E. R. Balzer, agent for West Union Farmers Creamery Co., interposed a claim for 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 January 30, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*