

peel, and blemishes, and that it was not labeled to show that it was sub-standard.

On December 23, 1931, the United States attorney for the Western District of Arkansas, 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 1,075 cases of canned tomatoes, remaining in the original unbroken packages at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce by the Westville Canning Co., Westville, Okla., on or about August 12, 1931, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it contained decayed material and an excessive amount of peel and blemishes, and the labels did not bear a plain and conspicuous statement prescribed by the said Secretary, indicating that it fell below such a standard.

On February 24, 1932, the Griffin Grocery Co., Fort Smith, Ark., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering the product condemned. It was further ordered by the court that the said product be released to the claimant for relabeling and disposition in accordance with the Federal food and drugs act, under the supervision of this department, upon the filing of a bond in the sum of \$1,500.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19572. Adulteration of butter. U. S. v. 19 Boxes, et al., of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27833. I. S. No. 42942. S. No. 5840.)

Samples of butter taken from the interstate shipment involved in this action were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On February 10, 1932, the United States attorney for the Eastern District of Pennsylvania, 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 37 boxes of butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by Red 73 Creamery (Inc.), Union City, Ind., on or about February 3, 1932, to Philadelphia, Pa., 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.

On February 15, 1932, A. F. Bickley & Son, Philadelphia, Pa., having appeared as claimant for the property, 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 \$800, 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.*

19573. Adulteration of celery. U. S. v. 103 Crates, et al., of Celery. Product adjudged adulterated and ordered released under bond to be salvaged. (F. & D. Nos. 27757, 27758. I. S. Nos. 47501, 47502. S. Nos. 5837, 5838.)

Arsenic having been found on celery taken from both shipments involved in these actions, the Secretary of Agriculture reported the matter to the appropriate United States attorneys.

On February 16, 1932, the United States attorney for the District of Nebraska filed in the United States District Court a libel praying seizure and condemnation of 103 crates of the said celery at Omaha, Nebr., and on or about February 18, 1932, the United States attorney for the Western District of Missouri filed a libel against 80 half-crates of the same product at St. Joseph, Mo. It was alleged in the libels that the article had been shipped in interstate commerce by the Peppers Fruit Co., from Compton, Calif., the former on or about January 8, 1932, to Omaha, Nebr., and the latter on or about