

19683. Adulteration of herring. U. S. v. 6 Boxes of Herring. Decree of condemnation and destruction entered. (F. & D. No. 27804. I. S. No. 43307. S. No. 5909.)

Herring taken from the interstate shipment involved in this action having been found to be infested with parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 3, 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 six boxes of the said herring, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 25, 1932, by Sam Johnson & Son's Fisheries, from Duluth, Minn., to Pittsburgh, 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 it consisted in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On March 3, 1932, no claim having been interposed for the property, and the consignee having consented to its destruction, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19684. Adulteration of herring. U. S. v. 10 Boxes of Herring, et al. Decrees of destruction entered. (F. & D. Nos. 27790, 27897. I. S. Nos. 52787, 53507, 53508. S. Nos. 5893, 5940.)

Examination of fish (herrings, bluefins) taken from the interstate shipments involved in these actions having shown that the article was infested with parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On February 29 and March 11, 1932, the United States attorney filed in the United States District Court libels praying seizure and condemnation of 130 boxes of the said fish at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about February 23, 1932, and March 3, 1932, by the Lake Superior Fish Co., from Duluth, Minn., to Cincinnati, Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On March 1 and March 11, 1932, the court having found that the product was spoiled and unfit for human consumption, decrees were entered by the court in the respective cases ordering that the marshal destroy the fish immediately.

HENRY A. WALLACE, *Secretary of Agriculture.*

19685. Adulteration and misbranding of butter. U. S. v. 13 Boxes of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 27934. I. S. No. 46570. S. No. 5961.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On or about February 27, 1932, the United States attorney for the Southern District of California, 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 13 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 18, 1932, by Armour Creameries, from Pocatello, Idaho, to Los Angeles, Calif., 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 product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the statements appearing on the carton, "Armour's Cloverbloom Full Cream Butter One Pound Net Weight Distributed by Armour Creameries, General Offices, Chicago * * * Armour's Full Cream Guaranteed," were false and misleading, since the article contained less than 80 per cent of milk fat.

On March 8, 1932, claim and answer having been filed, judgment of condemnation 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 \$350, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act and all other laws, and further conditioned that it be reworked under the supervision of this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

19686. Adulteration of frozen tullibeets. U. S. v. 250 Boxes of Frozen Tullibeets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27786. I. S. No. 29070. S. No. 5882.)

Frozen tullibeets taken from the import shipment involved in this action were found, upon examination, to be infested with the cysts of parasitic worms.

On February 26, 1932, 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 250 boxes of frozen tullibeets at New York, N. Y., alleging that the article had been shipped by the Rousseau Lumber Co., from Winnipeg, Manitoba, Canada, on or about February 17, 1932, to New York, N. Y., 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 consisted in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On March 14, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19687. Adulteration of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27891. I. S. No. 5381. S. No. 5870.)

Samples of butter taken from the interstate shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 16, 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 in interstate commerce on or about February 2, 1932, by the Danube Creamery Co., from Danube, Minn., to New York, N. Y., 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 the act of March 4, 1923.

The Great Atlantic & Pacific Tea Co., New York, N. Y., interposed a claim for the property as agent for the Danube Creamery, Danube, Minn., 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 March 5, 1932, 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 \$200, conditioned in part that it be reworked, so that it comply with the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19688. Adulteration of butter. Consent decree of condemnation and forfeiture. Product released under bond. U. S. v. 10 Tubs of Butter. (F. & D. No. 27885. I. S. No. 5383. S. No. 5873.)

Samples of butter taken from the interstate shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 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 10 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Green Isle Creamery, Green Isle, Minn., through the Arlington Creamery Association, Arlington, Minn., on or about February 10,