

1932, 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 the act of March 4, 1923.

On February 29, 1932, the Fox River Butter Co. (Inc.) New York, N. Y., interposed a claim for the property as agent for the owner, the Green Isle Farmers Cooperative Creamery (Inc.), Green Isle, Minn., 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 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 \$300, 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.*

**19689. Adulteration and misbranding of pecans. U. S. v. 300 Bags, et al., of Pecans. Decrees entered ordering product released under bond to be sorted, and unfit portion destroyed.** (F. & D. Nos. 27929, 27936. I. S. Nos. 50649, 50650. S. Nos. 5971, 5984.)

Samples of pecans from the shipments involved in these actions were found to be wormy, moldy, and decomposed. The packages containing a portion of the article were not labeled with a statement of the quantity of the contents.

On March 17 and March 21, 1932, the United States attorney for the Eastern District of Missouri acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 323 bags of the said pecans, remaining in the original unbroken packages at St. Louis, Mo., consigned by H. L. Cromartie, Albany, Ga., in part on March 8, 1932, and in part on March 10, 1932, alleging that the article had been shipped in interstate commerce from Albany, Ga., to St. Louis, Mo., and charging adulteration and misbranding in violation of the food and drugs act as amended.

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

It was further alleged that a portion of the article was misbranded for the reason that the net weight was not declared.

On March 22, and 28, 1932, respectively, the F. W. Woolworth Co., St. Louis, Mo., having appeared as claimant for the property and having tendered bond in the sum of \$1,500, in accordance with section 10 of the act, the court ordered the bonds approved and the nuts delivered to the claimant to be cracked under the supervision of the department, the meats graded, the unfit portion destroyed, and the fit portion released. It was further ordered by the court that claimant pay costs of the proceedings.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19690. Adulteration of butter. U. S. v. 3 Cubes of Butter. Product released under bond to be reconditioned.** (F. & D. No. 28284. I. S. No. 46581. S. No. 6128.)

Samples of butter taken from the 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 California.

On March 23, 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 three tubs 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 March 19, 1932, by the B A C Dairy, from Cedar City, Utah, to Los Angeles, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From B A C Dairy Cedar City, Utah."

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.

Joseph Thorup, Los Angeles, Calif., entered an appearance and claim, admitted the allegations of the libel, and prayed release of the product upon the

filing of an undertaking that claimant would not dispose of the butter in violation of the Federal food and drugs act, and would pay costs of the proceedings and of the reconditioning of the product under the supervision of this department. On March 23, 1932, the claimant having deposited cash bond in the sum of \$50, the court ordered the butter released for reconditioning in accordance with the conditions of the bond.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19691. Adulteration of poultry. U. S. v. 123 Barrels of Poultry. Decree of condemnation and forfeiture. Product released under bond to be salvaged, and unfit portion destroyed.** (F. & D. No. 27911. I. S. No. 48151. S. No. 5949.)

Poultry taken from the shipment involved in this action having been found, upon examination, to be diseased and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On March 14, 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 123 barrels of poultry, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about February 23, 1932, by the Mandan Creamery & Produce Co., from Mandan, N. Dak., to Boston, Mass., 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 whole or in part of a filthy, decomposed, and putrid animal substance, and in that it was the product of diseased animals.

On March 18, 1932, the Mandan Creamery & Produce Co., Mandan, N. Dak., 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 deposit of \$500, in lieu of bond, conditioned that it should not be disposed of contrary to the provisions of the Federal food and drugs act, and all other laws. It was further ordered by the court that the unfit portion be separated from the remainder, under the supervision of this department, and destroyed.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19692. Adulteration of bluefins. U. S. v. 4 Boxes of Bluefins. Decree of condemnation and destruction entered.** (F. & D. No. 27893. I. S. No. 43314. S. No. 5942.)

Samples of bluefins 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 10, 1932, the United States attorney filed in the District Court a libel praying seizure and condemnation of four boxes of the said bluefins, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce by the Lake Superior Fish Co., from Duluth, Minn., to Pittsburgh, Pa., on or about March 5, 1932, 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 wholly or in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On March 11, 1932, the consignee having consented to the entry of a decree, and no other person having interposed, 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.*

**19693. Adulteration of bluefins. U. S. v. 2 Boxes of Fish (Bluefins). Decree of destruction entered.** (F. & D. No. 27924. I. S. No. 20592. S. No. 5969.)

Samples of bluefins taken from the 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 Eastern District of Kentucky.

On March 17, 1932, the United States attorney filed in the District Court of the United States a libel praying seizure and condemnation of two boxes of