

any other person, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19696. Adulteration of apples. U. S. v. 169 Cases of Apples. No claim entered. Verdict for the Government. Decree of condemnation and forfeiture. Product ordered destroyed, or made fit for human consumption and delivered to charitable institutions. (F. & D. No. 27776. I. S. Nos. 47146, 47147. S. No. 5868.)**

Arsenic and lead having been found on apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Louisiana.

On February 25, 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 169 cases of apples, remaining in the original unbroken cases at Shreveport, La., alleging that the article had been shipped by the Northwestern Fruit Growers Exchange, from Wenatchee, Wash., on or about January 22, 1932, and had been transported in interstate commerce from the State of Washington into the State of Louisiana, and charging adulteration in violation of the food and drugs act as amended. The product was labeled in part: "Skookum Fancy Mountain Goat Brand Wenatchee Apples Distributed by Northwestern Fruit Growers Exchange Wenatchee Washington."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On March 21, 1932, no claimant having appeared for the property and a jury having found that the allegations of the libel were true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. The decree provided that the marshal, if practicable, have the apples processed to make them noninjurious and delivered to charitable institutions.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19697. Adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$600 and costs. (F. & D. No. 27443. I. S. No. 21806.)**

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress. Samples of the article also were found to be short weight.

On December 15, 1931, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 17, 1931, from the State of Colorado into the State of Texas, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "1 lb. Net Weight Distributed by Swift & Company \* \* \* Cresta Creamery Butter."

It was alleged in the information that the article was adulterated in that a product which contained 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 by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "1 lb. Net Weight," were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that they represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat, and that each package contained 1 pound net weight, whereas it contained less than 80 per cent of milk fat and the packages contained less than 1 pound net weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 2, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$600 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*