

pliance with the provisions of the law, judgment was entered ordering that the goods be delivered to the manufacturer, the Sure Good Foods (Inc.), Chicago, Ill.

HENRY A. WALLACE, *Secretary of Agriculture.*

19814. Adulteration and misbranding of butter. U. S. v. 7 Cases, et al., of Butter. Default decrees of condemnation, forfeiture, and destruction. 6551-A, 6556-A, 6557-A, 6605-A. F. & D. Nos. 28289, 28315, 28316, 28317.)

These actions involved the interstate shipment of several lots 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 April 25 and April 27, 1932, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 68 cases of butter at Memphis, Tenn., alleging that the article had been shipped by the Elsass Creamery Co., from Rector, Ark., on various dates from April 15 to April 21, 1932, inclusive, and had been transported in interstate commerce from the State of Arkansas into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cartons) "Monogram Creamery Butter * * * The Cudahy Packing Co."

It was alleged in the libels that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statement, "Butter" was false and misleading when applied to a product deficient in butterfat.

On May 27, 1932, no claimant having appeared for the property, 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.*

19815. Adulteration of pecans. U. S. v. 300 Bags of Pecans. Product released under bond to be sorted, and bad portion destroyed. (F. & D. No. 27928. I. S. No. 53936. S. No. 5970.)

Samples of nuts taken from the shipments involved in this action were found to be wormy, decomposed, and moldy.

On March 18, 1932, the United States attorney for the Eastern District of Illinois, 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 300 bags of pecans at East St. Louis, Ill., alleging that the article had been shipped in interstate commerce on or about March 11, 1932, by H. L. Cromartie, from Albany, Ga., to East St. Louis, Ill., 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, or putrid vegetable substance.

The F. W. Woolworth Co., East St. Louis, Ill., filed a claim and answer praying release of the product, and tendered its bond in the sum of \$1,500, conditioned that the product should not be sold or otherwise disposed of contrary to the Federal food and drugs act. On May 4, 1932, the court approved the bond and ordered that the product be delivered to the claimant or its agent to be shelled under the supervision of this department, the shelled meats graded, and the unfit portion destroyed.

HENRY A. WALLACE, *Secretary of Agriculture.*

19816. Adulteration of apples. U. S. v. 630 Boxes, et al., of Apples. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 28307, 28308. I. S. Nos. 52972, 52974. S. Nos. 6048, 6057.)

Arsenic was found on apples taken from the interstate shipments involved in these actions.

On April 5 and April 6, 1932, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,265 boxes of apples, remaining in the original unbroken packages, in part at Minneapolis, Minn., and in part at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about March 24

and March 26, 1932, by McKercher & Ross, from Wenatchee, Wash., and had been transported from the State of Washington into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bull's-Eye Brand Northwestern Apples."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or other added deleterious ingredient which might have rendered it injurious to health.

On April 12 and May 3, 1932, a claimant having appeared and filed answers admitting all the material allegations of the libels, judgments of condemnation and forfeiture were entered. The court having found that the article might be washed or dipped so as not to be in violation of the food and drugs act, ordered that the marshal, in lieu of disposing of the apples by sale or destruction, might deliver them to the claimant, upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that they should not be sold or disposed of contrary to the provisions of the food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19817. Adulteration of candies. U. S. v. 17 Boxes of Candies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27269. I. S. No. 45815. S. No. 5409.)

This action involved the interstate shipment of a quantity of candy, in which a hard marble was embedded and concealed in each piece.

On November 21, 1931, the United States attorney for the Southern District of Mississippi, 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 17 boxes of candies, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped in interstate commerce on or about February 5, 1931, by the Standard Candy Co., from Nashville, Tenn., to Meridian, Miss., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Standard Candy Co.'s * * * Fine Candies Standard Candy Co., Nashville, Tenn., Purity Brand Candies * * * Champion M. M. Marbles."

It was alleged in substance in the libel that the article had been shipped in interstate commerce in violation of the section and paragraph of the act applicable to confectionery, in that it contained an ingredient, namely, hard marbles, deleterious or detrimental to health. It was further alleged that the article was in violation of the section and paragraph of the act applicable to food, in that it contained an added deleterious ingredient which might have rendered it injurious to health.

On May 1, 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.*

19818. Adulteration of apples. U. S. v. 630 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond to be washed or dipped. (F. & D. No. 28023. I. S. No. 53478. S. No. 6043.)

Arsenic was found on samples of apples taken from the shipment involved in this action.

On April 2, 1932, the United States attorney for the District of Minnesota, 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 630 boxes of apples, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about March 22, 1932, by Ned Derry, from Wenatchee, Wash., to Minneapolis, Minn., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Boxes) "Bull's Eye Brand Northwestern Apples."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other deleterious ingredient which might have rendered it injurious to health.

On April 6, 1932, Leon K. Stein & Co., Minneapolis, Minn., having filed a claim and answer admitting all the material allegations of the libel, judgment of condemnation and forfeiture was entered. The court having found that the article might be brought into compliance with the food and drugs act by removal of the arsenic by washing, ordered that it be released to the said claimant for