

and re-marked under the supervision of this department so as to conform in all respects to Government regulations; that claimant pay all costs of the proceedings, and that the inedible portion be destroyed, or disposed of in accordance with the law.

HENRY A. WALLACE, *Secretary of Agriculture.*

19847. Adulteration and misbranding of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (11362-A. F. & D. No. 28468.)

This case involved the 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 for butter provided by Congress.

On June 28, 1932, the United States attorney for the Eastern 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 37 tubs of butter, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about June 20, 1932, by the Hopkinton Creamery Co., from Hopkinton, Iowa, to Brooklyn, N. Y., 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 by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article had been offered for sale under the distinctive name of butter, whereas it was not butter, since it contained less than 80 per cent of butterfat, the standard provided by law.

The Great Atlantic & Pacific Tea Co., interposed a claim for the product, as agent for the Hopkinton Creamery Co., Hopkinton, Iowa, 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 July 6, 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 \$700, conditioned that it be reworked so that it comply with the law.

HENRY A. WALLACE, *Secretary of Agriculture.*

19848. Adulteration of apples. U. S. v. 756 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond. (10015-A. F. & D. No. 28297.)

Arsenic and lead were found on samples of apples taken from the interstate shipment involved in this action.

On May 9, 1932, the United States attorney for the District of Maryland, 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 756 boxes of apples, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 25, 1932, by the Wells & Wade Fruit Co. from Wenatchee, Wash., to Baltimore, Md., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wells & Wade Fruit Co. Twin WW Brand, Wenatchee, Washington, Fancy Winesaps."

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

On May 16, 1932, the Wells & Wade Fruit Co., Wenatchee, Wash., 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 for sorting or reconditioning, upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or disposed of contrary to the food and drugs act and all other laws. The bond further provided that any portion of the product found adulterated after sorting and reconditioning be destroyed.

HENRY A. WALLACE, *Secretary of Agriculture.*

19849. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (10351-A. F. & D. No. 28287.)

This action involved 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.

On April 20, 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 24 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on April 7, 1932, by the Briggs Dairy Products Co., from Blackwell, Okla., 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 by weight of milk fat as provided by the act of March 4, 1923.

Frederick F. Lowenfels & Son, New York, N. Y., interposed a claim for the product as agent for the Briggs Dairy Products Co., of Blackwell, Okla., 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 not less than 80 per cent of butterfat. On May 2, 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 \$600, conditioned in part that it be reworked so that it comply with the provisions of the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

19850. Adulteration of canned frozen mixed eggs. U. S. v. 101 Cans and 94 Cans of Frozen Mixed Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28227. I. S. Nos. 48128, 48129. S. No. 6106.)

This action involved the interstate shipment of a quantity of canned frozen mixed eggs, samples of which were found to be decomposed. The cans containing the article bore no statement showing the quantity of the contents.

On April 22, 1932, the United States attorney for the District of Massachusetts, 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 195 cans of frozen mixed eggs, remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce, in part on or about December 1, 1931, and, in part on or about December 9, 1931, by the Belle Springs Creamery Co., from Abilene, Kans., 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 part of a decomposed animal substance.

Misbranding was alleged for the 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.

On May 17, 1932, the Apollo Cake Specialties (Inc.), Charlestown, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the deposit of \$500 in lieu of bond, conditioned that the cans containing the adulterated eggs be separated from the remainder and destroyed, and that the cans containing unadulterated eggs be plainly and conspicuously marked with the quantity of the contents, and released.

HENRY A. WALLACE, *Secretary of Agriculture.*