

On June 6, 1932, Loren F. Lee, Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product might be reconditioned so that it would conform with the law, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19966. Adulteration of apples. U. S. v. 50 Boxes of Apples. Decree of condemnation, forfeiture, and destruction. (No. 5677-A. F. & D. No. 28264.)

Arsenic and lead in amounts that might have rendered the article injurious to health were found on apples taken from the shipment involved in this action.

On April 30, 1932, the United States attorney for the Southern District of Ohio, 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 50 boxes of apples at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about March 17, 1932, by the Yakima Fruit Growers Association, from Selah, Wash., to Columbus, Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Big Y Brand Apples."

It was alleged in the libel that the article was adulterated in that analysis showed the presence of arsenic and lead, added poisonous or deleterious ingredients that might have rendered the product harmful to health.

On June 22, 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.*

19967. Adulteration and misbranding of butter. U. S. v. 5 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 1626-A. F. & D. No. 28391.)

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. Sample cartons were also found, upon examination, to be short of the declared weight, 1 pound.

On May 26, 1932, the United States attorney for the Western District of Washington, 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 five cases of butter, remaining in the original unbroken packages at Longview, Wash., alleging that the article had been shipped in interstate commerce on or about May 24, 1932, by Frye & Co., from Portland, Oreg., to Longview, Wash., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Weight One Pound Standard Grade Butter Distributor No. 11 'Mayflower.'"

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.

Misbranding was alleged for the reason that the article was labeled, "Butter" and "Weight One Pound," which was false and misleading since the product contained less than 80 per cent of milk fat, and the packages contained less than 1 pound. 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.

On June 18, 1932, Frye & Co., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product might be reconditioned by increasing the percentage of butterfat so that it would comply with the law, and that it might be repacked to weigh 1 pound or marked to show the true quantity of the contents, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*