

that it 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 quantity stated was not correct.

On July 5, 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.*

19991. Adulteration and misbranding of canned tomatoes. U. S. v. 195 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond for relabeling. (No. 6161-A. F. & D. No. 28298.)

This action involved the shipment of a quantity of canned tomatoes, samples of which were found to be below the grade indicated on the label.

On May 10, 1932, the United States attorney for the District of Kansas, 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 cases of canned tomatoes, remaining in the original unbroken packages at Concordia, Kans., alleging that the article had been shipped in interstate commerce on or about October 21, 1931, by the Rush Canning Co., from Cassville, Mo., to Concordia, Kans., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Shamrock Brand Fancy Blood Red Tomatoes."

It was alleged in the libel that the article was adulterated in that tomatoes below the grade indicated on the label had been substituted for Fancy tomatoes, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement on the label, "Fancy Tomatoes," was false and misleading and deceived and misled the purchaser.

On July 23, 1932, the Concordia Mercantile Co., Concordia, Kans., having appeared as claimant for the property and having filed bond in conformity with section 10 of the act, judgment of condemnation was entered and it was ordered by the court that the product be relabeled by the claimant so as to comply with the food and drugs act, and that upon inspection and approval by this department and payment of costs, the product be released and the bond discharged.

HENRY A. WALLACE, *Secretary of Agriculture.*

19992. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of forfeiture and destruction. (No. 16312-A. F. & D. No. 28854.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 19, 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 four crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 18, 1932, alleging that the article had been shipped in interstate commerce by Warren Pert, from Sargentville, Me., to Boston, Mass., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From Warren M. Pert, No. Sedgwick, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 1, 1932, no claimant having appeared for the property, judgment of 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.*

19993. Adulteration and misbranding of butter. U. S. v. 8 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (Nos. 177-A, 178-A. F. & D. No. 28581.)

This case involved the shipment of quantities of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress. A portion of the article also was found to be short weight.

On July 7, 1932, the United States attorney for the Northern District of California, 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 13 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about June 13, 1932, by Fergus County Creamery (Inc.), from Lewistown, Mont., to San Francisco, Calif., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Armour's Cloverbloom Full Cream Butter." A portion of the prints were labeled, "2 Lbs. Net Weight," and the remainder were labeled, "1 Lb. Net Weight."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of butterfat had been substituted for the said article.

Misbranding was alleged for the reason that the article was labeled "Butter," which was false and misleading and deceived and misled the purchaser, when applied to a product containing less than 80 per cent of butterfat. Misbranding was alleged with respect to the portion of the product labeled "1 Lb. Net Weight," for the further reason that it 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 of the quantity of the contents was not correct.

On August 15, 1932, Armour & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$300, 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.*

19994. Adulteration of butter. U. S. v. 20 Cases of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (No. 13613-A. F. & D. No. 28627.)

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 prescribed by Congress.

On July 26, 1932, the United States attorney for the Southern District of California, 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 20 cases of butter, remaining in the original unbroken packages at Riverside, Calif., alleging that the article had been shipped in interstate commerce on or about July 23, 1932, by the Delta Valley Creamery Co., from Delta, Utah, to Riverside, Calif., 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 of milk fat had been substituted wholly or in part for butter.

An August 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The court, having found that the product was fit for human consumption, ordered that it be delivered to a charitable institution for use and not for sale.

HENRY A. WALLACE, *Secretary of Agriculture.*

19995. Adulteration and misbranding of figs. U. S. v. 15 Cases, et al., of Figs. Decrees of condemnation, forfeiture, and destruction. (No. 363-A. F. & D. No. 28631.)

These actions involved the shipment of quantities of figs that contained dead insects and other evidence of insect infestation. The packages containing a portion of the article bore no statement of the quantity of the contents.

On August 10, 1932, the United States attorney for the District of Hawaii, 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 25 cases of figs at Honolulu, Hawaii, consigned by Theo. H. Davies & Co. (Ltd.), San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about August 3, 1932, to Honolulu, in the Territory of Hawaii, and charging that the article was adulterated, and