

On August 5, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20023. Adulteration of canned frozen eggs. U.S. v. 154 Cans of Frozen Eggs. Decree of condemnation with provision for release of product under bond. (F. & D. No. 28469. Sample No. 7168-A.)**

This action was based on the interstate shipment of a quantity of canned frozen eggs, samples of which were found to be in part decomposed.

On July 15, 1932, the United States attorney for the Eastern District of Louisiana, 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 154 cans of frozen eggs, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 30, 1931, by the Ovson Egg Co., from Dallas, Tex., to New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ovson Standard Selected Fresh Eggs Frozen \* \* \* A Product of National Dairy Ovson Egg Company Whole Eggs, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On August 10, 1932, the Ovson Egg Co., Chicago, Ill., claimant, having filed an answer confessing the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be delivered 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 until made to comply with the Federal Food and Drugs Act, under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20024. Adulteration of butter. U.S. v. Arthur J. Pogatchnik (Cushing Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. No. 27516. I. S. No. 33950.)**

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On May 3, 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 an information against Arthur J. Pogatchnik, trading as Cushing Creamery Co., Cushing Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 13, 1931, from the State of Minnesota into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that a product deficient in milk fat, in that it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of March 4, 1923.

On August 30, 1932, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20025. Adulteration of butter. U.S. v. 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28691. Sample No. 1666-A.)**

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On July 28, 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 12 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 25, 1932, by Smith's Creamery (North Idaho Co-operative Creamery), from Lewiston, Idaho, to Seattle, Wash., 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 percent by weight of milk fat had been substituted for butter, a product which should not contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 1, 1932, the North Idaho Co-operative Creamery, 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, upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws, and that it be brought into conformity with the law under the supervision of this department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20026. Adulteration of shell eggs. U.S. v. 5 Cases, et al., of Shell Eggs. Decree of destruction entered. (F. & D. No. 28556. Sample Nos. 11009-A, 11010-A.)**

This action involved the shipment of quantities of shell eggs, which were found to be in part decomposed.

On July 9, 1932, the United States attorney for the District of New Jersey, 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 29 cases of shell eggs, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, in part on or about April 14, 1931, and in part on or about April 25, 1931, by the E. G. Morse Co., from Mason City, Iowa, to Jersey City, N.J., 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 and putrid animal substance.

On August 15, 1932, the owner having expressed a desire to surrender the eggs for destruction, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20027. Adulteration and misbranding of potatoes. U.S. v. 300 Sacks of Potatoes. Product released under bond to be relabeled. (F. & D. No. 28655. Sample No. 13408-A.)**

This case involved the shipment of a quantity of potatoes which were labeled "U. S. No. 1," and which were found to be below grade.

On August 12, 1932, the United States attorney for the Western District of Pennsylvania, 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 sacks of potatoes, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce or on about August 9, 1932, by the George Lafbury Co., from Pomeroy, Ohio, to Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Lbs. Net U. S. No. 1 Grade."

It was alleged in the libel that the article was adulterated in that potatoes below the grade specified on the label had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label "U. S. No. 1 Grade," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On August 15, 1932, the George Lafbury Co., Pittsburgh, Pa., appeared as claimant, admitted the allegations of the libel, and filed a petition praying release of the product for relabeling, representing that the potatoes were the property of Arvil F. Holter, Mrs. Norma Dean, and Delbert Gaul, all of Chester, Ohio, and that petitioner was acting as agent for the said parties.

**20028. Adulteration of cherries. U.S. v. 111 Baskets of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28577. Sample No. 8447-A.)**

Arsenic in an amount that might have rendered the article injurious to health was found on cherries taken from the shipment involved in this case.