

On October 13, 1931, 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 3,200 cases of tomato puree, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about February 14 and March 1, 1931, by the Varney Canning Co. Inc., from Ogden, Utah, to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The cases containing the article were labeled in part, "Tomato Puree." The cans containing a portion were labeled in part: "Leota Brand Puree * * * Varney Canning, Inc., Roy, Utah."

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

On August 4, 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.

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

20056. Adulteration and misbranding of butter. U.S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28480. Sample No. 4948-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 for butter prescribed by Congress.

On June 22, 1932, the United States attorney for the Northern 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 15 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 14, 1932, by La Farge Creamery & Cheese Co., from La Farge, Wis., to Chicago, Ill., 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 substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On July 11, 1932, C. H. Weaver & Co., Chicago, Ill., 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 \$1,000, conditioned in part that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

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

20057. Misbranding of butter. U.S. v. 9 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28479. Sample Nos. 4946-A, 6080-A.)

This action involved the shipment of a quantity of butter, samples of which were found to be short weight.

On June 17, 1932, the United States attorney for the Northern 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 nine cartons of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 6, 1932, by Harms Creamery Co., from Hillsboro, Kans., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Package) "30 Butter Keep Cool."

It was alleged in the libel that the article was misbranded in that the statement "30" on the shipping carton, representing that it contained thirty 1-pound prints, was false and misleading, since the package contained less than so represented.