

20069. Adulteration of canned frozen eggs. U.S. v. 1,506 Cans of Frozen Eggs. Product ordered released under bond to be salvaged, and unfit portion destroyed. (F. & D. No. 28439. Samples Nos. 11007-A, 11008-A.)

This action involved shipments of canned frozen eggs, samples of which were found to be in part decomposed.

On June 29, 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 1,506 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce on or about May 16, 1932, by Standard Brands, Inc., from East St. Louis, Ill., to Jersey City, N.J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fleischmann's Spring Laid Whole Eggs Frozen * * * Distributed by Standard Brands, Inc., New York City."

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

The Standard Brands, Inc., New York, N.Y., interposed a claim, admitted the allegations of the libel, and consented to the entry of a decree condemning and forfeiting the goods. On July 11, 1932, a decree was entered providing for release of the property, upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that the product be salvaged by sorting out, separating and destroying, or denaturing for technical uses, all cans containing bad eggs; and that the cans containing only good eggs be disposed of in compliance with the Federal Food and Drugs Act and all laws, Federal and State.

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

20070. Misbranding of butter. U.S. v. 10 Cases of Butter. Default decree of destruction entered. (F. & D. No. 28443. Sample No. 7542-A.)

This case involved a shipment of print butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On June 22, 1932, the United States attorney for the Southern District of Georgia, 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 ten 32-pound cases of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped in interstate commerce on June 14, 1932, by Swift & Co., from Nashville, Tenn., to Savannah, Ga., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Southern Belle Creamery Butter 1 Lb. Net Weight * * * Distributed by Swift & Company. * * * Chicago."

It was alleged in the libel that the article was misbranded in that the statement on the packages, "1 Lb. Net Weight", was false and misleading and tended to deceive and mislead the purchaser, since the packages did not contain 1 pound. Misbranding was alleged for the further reason that the article was in package form and did not bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On July 22, 1932, no claimant having appeared, default was entered, and the court ordered that the product be destroyed by the United States marshal.

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

20071. Adulteration and misbranding of butter. U.S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28423. Sample No. 4153-A.)

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 June 1, 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 three cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 10, 1932, by the Watervliet Creamery Co., from Watervliet, Mich., to Chicago, Ill., and charging adulteration and

misbranding in violation of the Food and Drugs Act. The article was labeled in part, (carton) "Butter."

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, 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 of the article was alleged for the reason that it 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 14, 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.*

20072. Adulteration and misbranding of olive oil. U.S. v. Forty 1-Gallon Cans of Alleged Olive Oil. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 28277. Sample No. 10302-A.)

This action involved the shipment of a quality of alleged olive oil, samples of which were found to contain little or no olive oil. Sample cans were also found upon examination to contain less than 1 gallon, the declared volume.

On May 5, 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 forty 1-gallon cans of alleged olive oil, remaining in the original and unbroken packages at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about October 13, 1931, by Uddo Taormina Corporation, from Brooklyn, N.Y., to Newark, N.J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Contents One Gallon Olive Oil Compounded with Cottonseed Oil Italy Brand Trade Mark Italy Brand."

It was alleged in the libel that the article was adulterated in that cottonseed oil with little or no olive oil had been mixed and packed with and substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statements on the label, "Contents One Gallon Olive Oil * * * Italy", were false and misleading and deceived and misled the purchaser, when applied to an article short of the declared volume and containing little or no olive oil. Misbranding was alleged for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so; and 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 quantity stated was not correct.

On June 3, 1932, the owner 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 destroyed by the United States marshal.

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

20073. Adulteration of celery. U.S. v. Sanford-Oviedo Truck Growers, Inc. Plea of guilty. Fine. \$50. (F. & D. No. 27424. I.S. Nos. 29918, 30441, 30442, 30546, 30739, 33898, 35639, 35640, 35641.)

This case was based on the interstate shipment of quantities of celery, samples of which were found to bear arsenic and lead, or arsenic only, in amounts that might have rendered the article injurious to health.

On August 16, 1932, the United States attorney for the Southern District of Florida, 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 the Sanford-Oviedo Truck Growers, Inc., Avon Park, Fla., alleging shipment by said company in violation of the Food and Drugs Act, in various consignments between the dates of May 27, 1931 and June 11, 1931, from the State of Florida into the States of Illinois, New York, Massachusetts, and Pennsylvania, respectively, of quantities of celery that was adulterated. A portion of the article was labeled in part: "Rex Beach Autograph Brand * * * Celery Rex Beach Farms Avon Park, Florida."