and unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 29, 1932, by J. R. Higgins, from Dennysville, Maine, to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

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

On September 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.*

**20191. Adulteration of butter. U.S. v. 3 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to a charitable institution.** (F. & D. no. 28844. Sample no. 12261-A.)

This action involved 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 August 13, 1932, the United States attorney for the Southern District of New York, 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 tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1932, by Apple River & Beaver Creamery Co., Range, Wis., through Amery Cooperative Creamery Association, Amery, Wis., to New York, N.Y., 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 contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 23, 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 delivered to a charitable institution for consumption and not for sale.

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

**20192. Adulteration and misbranding of tomato paste. U.S. v. 37 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond to be relabeled.** (F. & D. no. 28835. Sample no. 16784-A.)

This action involved the shipment of a quantity of tomato paste, a portion of which was found to be artificially colored.

On August 31, 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 37 cases of tomato paste, remaining in the original and unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce, in part on or about December 31, 1931, and in part on or about February 24, 1932, by John S. Mitchell, Inc., from Windfall, Ind., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Regal Brand Pure Tomato Paste Distributed by John S. Mitchell, Inc., Windfall, Ind."

It was alleged in the libel that the article was adulterated in that artificially colored tomato paste had been substituted in part for the product.

Misbranding was alleged for the reason that the statement "Tomato Paste" was false and misleading and deceived and misled the purchaser, when applied to tomato paste containing an undeclared artificial color. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article.

On September 24, 1932, John S. Mitchell, Inc., Windfall, Ind., 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 released to the said claimant upon payment of costs and the execution of a bond in the sum of $500, conditioned that it be relabeled under the supervision of this Department.

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