

20193. Adulteration of pears. U.S. v. 532 Boxes of Pears. Product ordered released under bond for removal of spray residue. (F. & D. no. 28935. Sample no. 12429-A.)

This action involved the interstate shipment of a quantity of pears which were found to bear arsenic and lead spray residue.

On September 1, 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 532 boxes of pears. It was alleged in the libel that the article had been shipped in interstate commerce on or about August 18, 1932, by Lambert Marketing Co., from Tehachapi, Calif., consigned to itself at New York, N.Y., that it remained in the original unbroken packages in storage at Jersey City, N.J., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Tejon Tehachapi Bartletts * * * Packed by Lambert Marketing Co., * * * Sacramento, Cal."

Adulteration of the article was alleged in the libel for the reason that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the article harmful to health.

On September 6, 1932, the Lambert Marketing Co., Inc., Sacramento, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the property, judgment was entered by the court ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that all pears found to bear excessive arsenic and lead spray residue be cleaned, and that the article should not be sold or disposed of until inspected by this Department and found to comply with the Federal Food and Drugs Act.

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

20194. Adulteration and misbranding of butter. U.S. v. 35 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28903. Sample no. 4667-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 or about August 23, 1932, the United States attorney for the Eastern District of Michigan, 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 35 tubs of butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 15, 1932, by the Strawberry Point Farmers Creamery Association, from Strawberry Point, Iowa, to Detroit, Mich., 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 or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 22, 1932, the Strawberry Point Farmers Creamery Association, Strawberry Point, Iowa, 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 \$1,000, conditioned that it be reworked so as to comply with the Federal Food and Drugs Act.

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

20195. Adulteration of butter. U.S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28886. Sample no. 12263-A.)

This case involved 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 August 18, 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 15 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 12, 1932, by American Stores Co., from Philadelphia, Pa., to New York City, 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 act of March 4, 1923.

The Merchants Refrigerating Co., New York, N.Y., interposed a claim as agent for Coyne & Nevins Co., owner, and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On September 21, 1932, 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 \$400, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

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

20196. Adulteration of bluefin herring. U.S. v. 3 Boxes of Bluefin Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28900. Sample no. 4543-A.)

This action involved the shipment of a quantity of bluefin herring that was infested with parasitic worms.

On August 15, 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 boxes of bluefin herring at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 8, 1932, by R. Ege, from Two Harbors, Minn., to Chicago, Ill., 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 filthy, decomposed, and putrid animal substance, and for the further reason that it consisted of portions of animals unfit for food.

On September 26, 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.*

20197. Adulteration and misbranding of butter. U.S. v. 8 Tubbs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28899. Sample no. 3572-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 August 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 eight tubbs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1932, by Producers Creamery Co., from Clinton, Mo., 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, 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 September 1, 1932, Land O'Lakes Creameries, Inc., 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