

product for the reason that it consisted in whole or in part of a decomposed and putrid animal substance.

Charles W. Demmert, Emma F. Demmert, and George Demmert, copartners trading as the Demmert Packing Co., entered appearances as claimants for the product and filed answers admitting the allegations of the libels and consenting to the entry of decrees. On September 27 and October 13, 1932, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the execution of bonds totaling \$5,500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws, and further conditioned that it be sorted to separate the cans containing adulterated salmon from those containing good salmon, and that the unfit portion be destroyed in the process of separation.

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

20211. Adulteration and misbranding of butter. U.S. v. 33 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28967. Sample no. 16452-A.)

This action involved 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 for butter provided by Congress.

On September 15, 1932, the United States attorney for the District of Massachusetts, 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 33 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about September 6, 1932, alleging that the article had been shipped in interstate commerce by the Borden Produce Co., Inc., from Omaha, Nebr., to Boston, Mass., 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 product containing less than 80 percent by weight of milk fat had been substituted for butter, which the said article purported to be.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, "Butter."

On September 21, 1932, the Borden Produce Co., Inc., Omaha, Nebr., having appeared as claimant for the property and having admitted the allegations of the libel, 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 deposit of cash collateral in the sum of \$400, as security that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. It was further ordered that the product should not be disposed of as butter, but should be used in the manufacture of other food products.

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

20212. Adulteration of pears. U.S. v. 532 Boxes of Pears. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. no. 28988. Sample no. 8939-A.)

This action involved the interstate shipment of a quantity of pears that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On September 10, 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 532 boxes of pears, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 15, 1932, by the Lambert Marketing Co., from Tehachapi, Calif., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tejon Brand Tehachapi Bartletts Packed by Lambert Marketing Co. Main Office Sacramento, Calif."

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

On September 14, 1932, the Lambert Marketing Co., Sacramento, Calif., claimant, having admitted the allegations of the libel and having consented to

the entry of a decree condemning and forfeiting the product, judgment was entered ordering that the pears be released to the claimant upon the filing of a bond in the sum of \$1,000. On September 28, 1932, the product having been reconditioned by removing the arsenic and lead spray residue, final order was entered releasing the goods and exonerating the bond.

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

20213. Adulteration and misbranding of butter. U.S. v. 63 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28956. Sample no. 4671-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 25, 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 63 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 August 14, 1932, by Rock County Creamery Co., from Bassett, Nebr., 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 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 September 20, 1932, the Peter Fox Sons 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 provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

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

20214. Adulteration of canned salmon. U.S. v. Wrangell Packing Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 26590. I.S. no. 1076.)

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

On August 24, 1931, 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 an information against the Wrangell Packing Corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 18, 1930, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon that was adulterated.

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

On October 17, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

20215. Misbranding of canned rhubarb. U.S. v. Ivans Pettit. Plea of guilty. Fine, \$50. (F. & D. no. 26648. I.S. nos. 16527, 16528.)

This action was based on the interstate shipment of a quantity of canned rhubarb, sample cans of which were found to contain materially less than 1 gallon, the declared volume.

On June 28, 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 an information against