

seized at Jackson, Miss., judgments were entered ordering that the product be condemned and destroyed. On June 19, 1933, a decree was entered in the Eastern District of Louisiana, condemning the product and ordering its release to the claimant, F. G. Favoloro Sons, Inc., under bond in the sum of \$1,500, conditioned that it be properly relabeled.

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

20539. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree ordering product released under bond to be reworked. (F. & D. no. 29071. Sample no. 10075-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 prescribed by Congress.

On September 26, 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 11 tubs of butter at Jersey City, N. J., consigned by the Harrow-Taylor Butter Co., Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 8, 1932, from Kansas City, Mo., to Jersey City, N. J., and changing 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 November 26, 1932, the Harrow-Taylor Butter Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the condemnation of the product, judgment was entered ordering that the butter be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be reworked so that it comply with the law.

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

20540. Adulteration of canned tomato puree. U. S. v. 226 Cases, et al., of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 28635. Sample nos. 8926-A, 8927-A.)

This case involved a quantity of tomato puree that was found to contain excessive mold.

On August 11, 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 906 cases of canned tomato puree, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in part on or about January 29, 1932, and in part on or about April 26, 1932, by the Haxton Canning Co., from Oakfield, N. Y., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Haxton Brand Fancy Tomato Puree * * * Packed by Haxton Canning Co., Inc., * * * Oakfield, N. Y." The remainder was labeled in part: "Carson Brand Tomato Puree C. D. Co."

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

On December 19, 1932, no claimant having appeared for the property, judgment of condemnation 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.*

20541. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28624. Sample no. 11993-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 prescribed by Congress.

On July 26, 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 eight tubs of butter, remaining in the original unbroken pack-

ages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 16, 1932, by the Farmers Cooperative Creamery Association, Chester, Iowa, through Chester Creamery Co., Ridgeway, Iowa, into the State of New York, 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.

Joseph J. Herold, New York, N.Y., interposed a claim for the property as agent for the Farmers Creamery Association, Chester, Iowa, 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 November 29, 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 \$200, 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.*

20542. Adulteration of canned shrimp. U. S. v. 400 Cases, et al., of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28326, 28330. Sample nos. 1416-A, 1418-A.)

These actions involved the interstate shipment of quantities of canned shrimp, samples of which were found to be decomposed.

On May 16, 1932 and May 19, 1932, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 900 cases of canned shrimp, remaining in the original unbroken packages at Portland, Oreg. It was alleged in the libels that 150 cases of canned shrimp had been shipped from New Orleans, La., and 250 cases from Mobile, Ala., about February 22, 1932; that 500 cases had been shipped from New Orleans, La., on or about March 8, 1932; that all shipments of the article had been made by the Biloxi Canning & Packing Co., of Biloxi, Miss., in interstate commerce into the State of Oregon and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cans) "Biloxi Quality Brand Shrimp. Packed by Biloxi Canning & Packing Company Biloxi, Miss. Dry Pack." The remainder was labeled in part: (Cans) "Three C Brand Shrimp * * * Packed by C. C. Company, Biloxi, Miss."

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

On December 22, 1932, the intervenor, the Biloxi Canning & Packing Co., Biloxi, Miss., having withdrawn its answer to the libels, all parties in interest were pronounced in default. Judgments of condemnation and forfeiture were 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.*

20543. Misbranding of cooking and table oil. U. S. v. 80 Cans, et al., of Cooking and Table Oil. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28856, 28857. Sample nos. 8390-A, 8391-A.)

These actions involved the interstate shipment of quantities of cooking and table oil, sample cans of which were found to contain less than 1 gallon, the weight declared on the label.

On September 6, 1932, the United States attorney for the Eastern 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 libels praying seizure and condemnation of 150 cans of cooking and table oil, remaining in the original unbroken packages at Easton, Pa., alleging that the article had been shipped in interstate commerce in various consignments on or about June 10, August 8, and September 21, 1931, and April 7, 1932, in part by the Italian Food Products Corporation of America, and in part by F. Rizzo di Cavalcante, from Trenton, N.J., to Easton, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can)