

On March 22, 1933, 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 a libel praying seizure and condemnation of 30 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about March 8, 1933, by the Westport Cooperative Creamery Association, from Westport, Minn., 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.

The Westport Cooperative Creamery Association, Westport, Minn., appeared through an agent and filed a claim for the property, admitting the allegations of the libel and consenting to the entry of a decree. On March 27, 1933, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

**20838. Adulteration of apples. U. S. v. 64 Boxes, et al., of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 30011. Sample nos. 24567-A, 24569-A).**

This action involved an interstate shipment of apples that were found to bear lead, or arsenic and lead, in amounts that might have rendered them injurious to health.

On February 21, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 80 boxes of apples at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about January 13, 1933, by the International Fruit Distributors, from Yakima, Wash., to Milwaukee, Wis., 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 contained added poisonous or deleterious ingredients, namely, lead in a portion, and arsenic and lead in the remainder, which might have rendered it injurious to health.

On April 17, 1933, 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.*

**20839. Adulteration of apples. U. S. v. 100 Boxes of Apples. Decree of condemnation and forfeiture, with provision for release under bond to be washed. (F. & D. no. 30012. Sample no. 22152-A.)**

This action involved an interstate shipment of apples that bore lead in an amount that might have rendered them injurious to health.

On March 14, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 100 boxes of apples at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about March 2, 1933, by the Northern Fruit Co., from Wenatchee, Wash., to Minneapolis, Minn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Perfect-Pak Brand \* \* \* Grown by C. L. McKittrick Wenatchee, Wash., \* \* \* Gellatly Fruit Co., Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other added deleterious ingredient, which might have rendered it injurious to health.

On April 6, 1933, a claim and answer admitting the allegations of the libel having been filed, judgment of condemnation and forfeiture was entered. The court having found that the product might be washed or dipped so as to remove the deleterious ingredient and bring it into compliance with the law, the decree ordered that the apples be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

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