

On March 20, 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.*

20871. Adulteration of dried apple pomace. U. S. v. 65 Sacks of Dried Apple Pomace. Default decree of destruction entered. (F. & D. no. 29946. Sample no. 35105-A.)

This case involved a quantity of dried apple pomace that was found to contain arsenic and lead in amounts that might have rendered it injurious to health.

On March 16, 1933, the United States attorney for the Southern District of Ohio, 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 65 sacks of dried apple pomace at Cincinnati, Ohio, consigned by the Gilbert Apple Products Co., September 20, 1932, alleging that the article had been shipped in interstate commerce from Rochester, N.Y., to Cincinnati, Ohio, 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, arsenic and lead, which might have rendered it harmful to health.

On March 27, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

20872. Adulteration and misbranding of butter. U. S. v. 106 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29954. Sample no. 21507-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. Certain retail cartons examined also were found to contain less than 1 pound, the declared weight.

On March 2, 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 106 cartons, each containing 30 retail cartons of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on February 7, 1933, by the Spur Creamery, Spur, Tex., from Spur, Tex., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Retail carton) "C. B. L. (best butter) * * * One Pound Net."

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.

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net", borne on the label, were false and misleading. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than declared.

The Spur Creamery, Spur, Tex., appeared through an agent and filed a claim for the product, admitted the allegations of the libel, and consented to the entry of a decree. On March 8, 1933, judgment of condemnation and forfeiture was entered, the decree providing that the butter be released to the claimant under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat, and that the packages be marked with the true quantity of the contents.

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

20873. Adulteration of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29956. Sample no. 31524-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 for butter established by Congress.

On March 6, 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 of 34 tubs of butter