

claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that they be brought into conformity with the law under the supervision of the State food and drug commissioner of Indiana. On May 25, 1933, the apples having been thoroughly washed to remove the arsenic and lead, the case was dismissed.

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

**20959. Misbranding of butter. U. S. v. 76 Cases of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 30442. Sample nos. 29655-A, 36119-A.)**

This case involved a shipment of butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On April 18, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cases of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about April 15, 1933, by the Nelson-Ricks Creamery, from Salt Lake City, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Net Weight One Pound Rose Bud Pasteurized Creamery Butter The Cudahy Packing Co. Distributors, \* \* \* Chicago."

It was alleged in the libel that the article was misbranded in that the statement "Net Weight One Pound", appearing on the label, was 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 statement made was incorrect.

On April 26, 1933, the Nelson-Ricks Creamery Co., Salt Lake City, Utah, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 remolded to bring it up to the declared weight or relabeled, the remolding or relabeling to be under the supervision of this Department.

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

**20960. Adulteration of apples. U. S. v. 145 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30088. Sample nos. 33653-A, 33654-A.)**

This case involved a shipment of apples that were found to bear lead in an amount which might have rendered them injurious to health.

On or about March 9, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 145 boxes of apples at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about February 20, 1933, by the Skookum Packers Association, from Wenatchee, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Skookum Mountain Goat Brand."

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

On April 15, 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.*

**20961. Adulteration of butter. U. S. v. 32 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30439. Sample no. 31748-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.

On April 24, 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 a libel praying seizure and condemnation of 32 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate com-