

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-

merce, on April 14, 1933, by the Akron Creamery Co., from Akron, Iowa, 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.

On April 27, 1933, S. & W. Waldbaum, Inc., New York, N. Y., 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 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 butterfat.

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

20962. Misbranding of cottonseed screenings. U. S. v. Southland Cotton Oil Co. Plea of nolo contendere. Fine, \$5. (F. & D. no. 29445. I. S. nos. 47477, 47490.)

This case was based on interstate shipments of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the label.

On March 1, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southland Cotton Oil Co., a corporation, Paris, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 24 and November 7, 1931, from the State of Texas into the State of Kansas, of quantities of cottonseed screenings that were misbranded. The article was labeled in part: "Southland's Cottonseed Cake or Meal Prime Quality Guaranteed Analysis Crude Protein, not less than 43% * * * Made * * * By Southland Cotton Oil Company, Paris, Texas."

It was alleged in the information that the article was misbranded in that the statement, "Guaranteed Analysis Crude Protein, not less than 43%", borne on the tags attached to the sacks containing the article, was false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On April 25, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

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

20963. Adulteration of apples. U. S. v. 39 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29602. Sample no. 5070-A.)

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

On November 9, 1932, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 bushels of apples at Gary, Ind., alleging that the article had been shipped in interstate commerce on or about November 2, 1932, by Bert & Granger, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "George Kniebes, Coloma, Mich."

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 6, 1933, no claimant having appeared for the property, and the court having found that the apples were in a decaying condition, 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.*

20964. Adulteration of apples. U. S. v. 756 Boxes of Apples. Product released under bond for removal of lead spray residue. (F. & D. no. 30007. Sample no. 31363-A.)

This case involved an interstate shipment of apples that were contaminated with lead spray residue.

On March 14, 1933, 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 a libel praying seizure and condemnation of 756 boxes of apples at Jersey City, N. J., alleging that the article had been