

21003. Adulteration of dried grapes. U. S. v. 476 Boxes of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29788. Sample nos. 27845-A, 33050-A.)

This case involved an interstate shipment of dried grapes which were found to be insect-infested.

On February 2, 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 476 boxes of dried grapes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 20, 1932, by the Lion Packing Co., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Foley's Shamrock Fancy Dried Black Alicante Bouchet Grapes."

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

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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21004. Adulteration of dressed poultry. U. S. v. Joseph Anderson, Jesse W. Hoopes, Fred Bradley, John A. Johnston, Clyde C. Edmonds, and Harry L. Strong (Utah Poultry Producers Cooperative Assoc.). Plea of guilty. Fine, \$25. (F. & D. no. 29417. Sample no. 77-A.)

This case was based on an interstate shipment of dressed poultry. Examination showed diseased conditions and decomposition in a large proportion of the fowls.

On April 1, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph Anderson, Jesse W. Hoopes, Fred Bradley, John A. Johnston, Clyde C. Edmonds, and Harry L. Strong, trading as the Utah Poultry Producers Cooperative Association, Salt Lake City, Utah, alleging shipment by said defendants, on or about April 16, 1932, from the State of Utah into the State of California, of a quantity of dressed poultry which was adulterated in violation of the Food and Drugs Act.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance, and in that it was a product of a diseased animal.

On April 4, 1933, a plea of guilty to the information was entered, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21005. Adulteration and misbranding of butter. U. S. v. Elephant Butte Dairy League. Plea of guilty. Fine, \$50. (F. & D. no. 29338. I. S. nos. 32202, 32203, 32204, 32206, 32224.)

This case was based on several interstate shipments of butter which contained less than 80 percent by weight of milk fat, the standard for butter established by Congress, and which was also short weight.

On January 5, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Elephant Butte Dairy League, a corporation, El Paso, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended, in various consignments, on or about January 21, January 23, January 26, and February 3, 1932, from the State of Texas into the State of New Mexico, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Butter Net Weight 1 Lb. * * * Elephant Butte Dairy League, El Paso, Tex."

It was alleged in the information 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 "Net Weight 1 Lb.", borne on the cartons, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat, and that the cartons each contained 1 pound net; whereas the article was not butter as defined by law, since it contained less than 80 percent of milk fat, and the cartons contained less than 1 pound net. Misbranding was