

that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$752, conditioned that it be relabeled in a manner satisfactory to this Department.

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

21044. Adulteration and misbranding of butter. U. S. v. 208 Cases of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 30397. Sample nos. 29629-A, 29630-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On April 12, 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 of the United States a libel praying seizure and condemnation of 208 cases of butter at Los Angeles, Calif., consigned by the Beatrice Creamery Co., Denver, Colo., alleging that the article had been shipped in interstate commerce, on or about March 29, 1933, from Denver, Colo., to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Meadow Gold Butter * * * Beatrice Creamery Company."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On April 13, 1933, E. L. Thomson Co., Inc., filed a claim and answer as agent for the Beatrice Creamery Co., admitted the allegations of the libel, and filed a good and sufficient bond, conditioned that the product would not be disposed of in violation of the Federal Food and Drugs Act. On the same date judgment of condemnation was entered and it was ordered by the court that the product be released under the conditions of the said bond. On April 28, 1933, the product having been reworked and found in compliance with the law, the order of release was made permanent and the bond was ordered exonerated upon payment of costs of the proceedings.

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

21045. Adulteration of apples. U. S. v. Wenatchee Federated Growers. Plea of guilty. Fine, \$100. (F. & D. no. 28139. I. S. no. 44544.)

This case was based on an interstate shipment of apples bearing arsenic and lead in amounts which might have rendered them injurious to health.

On February 9, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Wenatchee Federated Growers, a corporation, Wenatchee, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 30, 1931, from the State of Washington into the State of Kansas, of a quantity of apples which were adulterated. The article was labeled in part: "Delicious Wenoka Apples * * * J. T. Cole Wenatchee Wash. * * * Grown and Packed by Wenatchee Federated Growers, Wenatchee, Washington."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, in amounts which might have rendered it injurious to health.

On April 14, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

21046. Adulteration of shell eggs. U. S. v. Earl Cockrell. Plea of guilty. Fine, \$10. (F. & D. no. 28081. I. S. no. 40516.)

This case was based on an interstate shipment of eggs which were in part decomposed.

On October 13, 1932, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Earl Cockrell, Tupelo, Miss., alleging shipment by said defendant, in violation of the Food

and Drugs Act, on or about October 15, 1931, from the State of Mississippi into the State of Louisiana, of a quantity of shell eggs which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 3, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

21047. Adulteration and misbranding of butter. U. S. v. 15 Cartons of Butter. Decree of condemnation entered. Product released under bond. (F. & D. no. 30104. Sample no. 29838-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 13, 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 of the United States a libel praying seizure and condemnation of 15 cartons of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about March 7, 1933, by the Western Creamery Co., from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Meadow Brook Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the article was labeled in part, "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On April 11, 1933, the Western Creamery Co. entered an appearance and claim admitting the allegations of the libel, and filed a bond in the sum of \$300, conditioned that the product would not be disposed of in violation of the law. On April 24, 1933, the product having been released to the claimant and having been reworked and found in compliance with the law, a decree was entered condemning the product and ordering that the release be made permanent upon payment of costs of the proceedings.

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

21048. Misbranding of candy. U. S. v. 38 Cartons and 8 Cartons of Candy. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29932. Sample nos. 16598-A, 16599-A.)

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

On March 14, 1933, the United States attorney for the District of Massachusetts, 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 46 cartons of candy at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about January 19, 1933, by the McGregor Toffee Co., from Brooklyn, N. Y., to Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Packages) "McGregor Toffee Manufactured by McGregor Toffee Co., Brooklyn, N. Y., Net Weight 1 Lb."

It was alleged in the libel that the article was misbranded in that the statement on the labels, "Net Weight 1 Lb.", was false and misleading and deceived and misled the purchaser; and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the label was not correct.

On April 5, 1933, C. S. Allen, trading as the McGregor Toffee Co., Brooklyn, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, 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 deposit of cash bond in the sum of \$125 conditioned that the packages and wrappers be removed and destroyed.

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