

cherries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 17, 1933, by the Olympia Canning Co., from Olympia, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Golden Ray Brand Sour Pitted Cherries."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because it was water-packed cherries, and its package or label did not bear a plain and conspicuous statement, prescribed by regulation of this Department, indicating that it fell below such standard.

On June 16, 1933, the Pacific Wholesale Grocery Co., Los Angeles, Calif., claimant, 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 \$1,400, conditioned that it be relabeled under the supervision of this Department.

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

**21260. Adulteration of butter. U. S. v. 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30629. Sample no. 30775-A.)**

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

On May 29, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cubes of butter at Seattle, Wash., alleging that the article had been shipped on or about May 23, 1933, from Conrad, Mont., having been consigned by the Conrad Creamery Co., 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, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On June 2, 1933, the Conrad Creamery, claimant, 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 said claimant upon payment of costs and the execution of a bond in the sum of \$360, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, and that it be reworked under the supervision of this Department.

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

**21261. Adulteration of vinegar. U. S. v. 91 Barrels of Vinegar. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 30565. Sample no. 42031-A.)**

This case involved an interstate shipment of vinegar that contained arsenic trioxide in an amount that might have rendered it injurious to health.

On June 19, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 barrels of vinegar at Cheyenne, Wyo., alleging that the article had been shipped on or about December 17, 1932, by the Speas Manufacturing Co., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Speas Mfg. Company 50 Grain Pure Cider Vinegar \* \* \* Yakima, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic trioxide, which might have rendered it harmful to health.

On June 29, 1933, the Speas Manufacturing Co., Yakima, Wash., having accepted service 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 destroyed by the United States marshal and that the barrels be delivered to the consignee, upon payment of the costs of the proceedings and of the drayage charges by the Speas Manufacturing Co.

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