

in the sum of \$10,000, conditioned that the currants of different growers be separated and examined, that all lots found to bear excessive lead and arsenic be treated to remove such deleterious ingredients, that all portions found after such examination and treatment to bear excessive lead and arsenic be destroyed, and that those found fit for human consumption be released. On August 16, 1933, the remaining case was consolidated with the aforesaid case, and the conditions and terms of the decree of July 29, 1933, were made applicable to the product involved in both cases.

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

**21281. Adulteration and misbranding of tullibeas. U. S. v. 19 Boxes and 8 Boxes of Tullibeas. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30670, 30673. Sample nos. 32145-A, 32146-A.)**

These cases involved interstate shipments of fish labeled, "Perch", which were found to be tullibeas infested with parasitic worms.

On June 7 and June 8, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 27 boxes of tullibeas at New York, N.Y., alleging that the article had been shipped on or about June 3 and June 5, 1933, by the Warroad Fish Co., from Warroad, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Perch From Warroad Fish Co., Warroad, Minn."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid substance and in that it consisted of portions of animals unfit for food.

Misbranding was alleged for the reason that the statement, "Perch", borne on the label was false and misleading, since the fish were tullibeas.

On July 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**21282. Adulteration and misbranding of Chocco-Yeast. U. S. v. 1,200 Boxes and 100 Cartons of Chocco-Yeast. Decrees of condemnation entered. Portion of product destroyed. Remainder released under bond. (F. & D. nos. 30570, 30660. Sample nos. 17373-A, 29735-A.)**

These cases involved a product which was labeled to convey the impression that it contained an appreciable amount of yeast and was valuable as a source of the yeast vitamins. Examination of the article showed that it contained an insignificant amount of yeast, also that it contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 13 and June 23, 1933, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,200 boxes and 100 cartons of Chocco-Yeast at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce in part on or about April 20, from Springfield, Mass., and in part on or about May 31, 1933, from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipping records indicate that the 100 cartons of the product were shipped by Chocco Yeast, Inc. The records do not disclose the identity of the shipper of the remainder of the product.

It was alleged in the libels that the article was adulterated in that a mixture containing peanut butter, chocolate, sugar, and a negligible proportion of yeast had been substituted for the article, and for the further reason that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Chocco-Yeast", "Made with fresh yeast", "Contains vitamins", "Fresh yeast in luscious chocolate", and "Fresh active live yeast in luscious chocolate form", appearing on the labels of the containers, were false and misleading, since they created the impression that the article was essentially a mixture of yeast and chocolate, whereas it contained but an inconsequential proportion of yeast. Misbranding was alleged for the further reason that the article was sold under the name of another article, namely, yeast prepared with chocolate. Misbranding was alleged for the further reason that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Eat three every day for your health", "Made with fresh yeast for your

health", "3 a day is the healthy way", "Clears Complexion", "Aids Digestion", and "Eliminates Constipation."

On July 19, 1933, no claim or answer having been filed to the first libel, judgment of condemnation was entered, and the court ordered that the 2 boxes that had been seized by the marshal be destroyed. On July 27, 1933, Chocco Yeast, Inc., Springfield, Mass., having appeared as claimant in the remaining case 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, conditioned that it be made to conform with the Federal Food and Drugs Act under the supervision of this Department.

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

**21283. Adulteration of cabbage. U. S. v. 338 Crates of Cabbage. Decree of condemnation. Product released under bond. (F. & D. no. 30675. Sample no. 42058-A.)**

This case involved a shipment of cabbage that was found to bear arsenic in an amount that might have rendered it injurious to health.

On June 5, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 338 crates of cabbage consigned by Sugar Land Industries, Sugar Land, Tex., at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about May 28, 1933, from Sugar Land, Tex., and charging adulteration in violation of the Food and Drugs Act.

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

On June 15, 1933, Sugar Land Industries, a Texas corporation, having appeared as claimant 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 execution of a bond in the sum of \$1,690, conditioned that it should not be sold or otherwise disposed of contrary to the laws of the United States or of the State of Colorado.

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

**21284. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. no. 30489. Sample no. 32272-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 May 3, 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 eight tubs of butter at New York, N.Y., alleging that the articles had been shipped in interstate commerce on or about April 20, 1933, by the Farmers Cooperative Creamery Co., of Cleaves, Iowa, in a pool car shipped from Iowa Falls, Iowa, to New York, N.Y., 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 29, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that as much of the butter as was fit for human consumption be delivered to a charitable institution.

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

**21285. Adulteration of apple chops. U. S. v. 30 Sacks of Apple Chops. Default decree of condemnation and destruction. (F. & D. no. 30497. Sample no. 39993-A.)**

This case involved an interstate shipment of apple chops that contained dirt, also filth from insect and rodent infestation. Analysis of the article showed that it contained arsenic and lead in amounts that might have rendered it injurious to health.