upon payment of costs and the execution of a bond in the sum of $800, conditioned that it be reworked so that it conform to the requirements of the law.

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

21296. Adulteration and misbranding of butter. U. S. v. 50 Cases and 50 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30688. Sample nos. 46628–A, 46629–A, 46630–A, 39044–A.)

This case involved interstate shipments 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. Portions of the article were also found to be short weight.

On or about June 24, 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 100 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 16 and June 17, 1933, by the Lexington Ice & Creamery Co., Lexington, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: (Case) "Lb. Prints in 1 Lb. Cartons Creamery Butter." Some cartons were marked "1 Lb. Net Weight." The remainder of the article was labeled: (Carton) "Glenwood Creamery Butter 1 Pound Net Distributed by Swift & Co."

It was alleged in the libel that the article was adulterated in that a substance 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.

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. Misbranding was alleged with respect to 50 cases of the product for the reason that the statements, (case) "Lb. Prints in 1 Lb. Cartons.", (cartons of portion) "1 Lb. Net Weight", were false and misleading. Misbranding was alleged with respect to 25 cases of the remaining lot for the reason that the statement on the carton, "1 Pound Net", was false and misleading. Misbranding was alleged with respect to the said 75 cases 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 July 14, 1933, the Lexington Ice & Creamery Co., Lexington, Miss., 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 execution of a bond in the sum of $1,400, conditioned that it should not be disposed of until it had been made to comply with the law and had been inspected and approved by this Department.

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

21297. Adulteration of dried apple pomace. U. S. v. 167 Bags of Dried Apple Pomace. Default decree of forfeiture and destruction. (F. & D. no. 30690. Sample no. 39723–A.)

This case involved a shipment of dried apple pomace that was found to contain arsenic and lead in amounts that might have rendered it injurious to health.

On July 3, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 167 bags of dried apple pomace at Natick, Mass., alleging that the article had been shipped in interstate commerce on or about May 26, 1933, by the National Fruit Product Co., from Waynesboro, Va., 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 added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On July 20, 1933, no claimant having appeared for the property, judgment of 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.*