

alleged for the further reason that the article had been mixed with an added undeclared artificial flavor, benzaldehyde, in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that certain statements on the labels were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the statements, "Lem-Lime * * * Fruit Juice Syrup", "Orange * * * Fruit Juice Syrup", and "F. Punch Fruit Juice Syrup", borne on the cases, represented that the articles were fruit juice sirups, and the statements, "Lemon & Lime A Pure Fruit Juice Flavored Syrup", "Orange-All A Pure Fruit Juice Flavored Syrup", "Fruit Punch A Pure Fruit Juice Flavored Syrup", borne on the jugs, represented that the articles were fruit juice flavored sirups, whereas the lemon and lime and the orange products were deficient in fruit juices and the so-called fruit punch was an artificially flavored imitation fruit sirup and not so labeled. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding of the fruit punch was alleged for the further reason that the article was an imitation of another article.

On July 17, 1933, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

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

21322. Misbranding of canned tuna fish. U. S. v. 96 Cases of Canned Tuna Fish in Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 27711. I.S. no. 43851. S. no. 5797.)

This case involved a shipment of canned tuna that was labeled to convey the impression that it was a foreign product, whereas it was of domestic origin.

On February 3, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on March 8, 1933, an amended libel, praying seizure and condemnation of 96 cases of canned tuna at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about October 30, 1931, by the Uddo-Taormina Corporation, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Il Progresso Brand Tuna Fish Marca Il Progresso Tonno All'Olio D'Oliva."

It was alleged in the libel as amended that the article was misbranded in that it purported to be a foreign product, as indicated by the label appearing on the cans, whereas it was a domestic product.

On July 10, 1933, the Uddo-Taormina Corporation, Brooklyn, N.Y., claimant, having admitted the allegations of the libel 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 released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

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

21323. Adulteration of butter. U. S. v. 155 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30851. Sample no. 46805-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 or about July 10, 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 155 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 23, 1933, by the Calhoun County Cooperative Creamery, from Bruce, Miss., 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 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.

On July 18, 1933, the Calhoun County Cooperative Creamery, Bruce, Miss., having appeared as claimant for the property and having admitted the allega-

tions 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 good and sufficient bond, conditioned that it be brought up to the legal standard.

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

21324. Adulteration of apple butter. U. S. v. 76 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29845. Sample no. 33024-A.)

This case involved a shipment of apple butter that had been made from apples which were mouse-infested, as evidenced by the presence of mouse hairs and mouse skin with hair attached.

On February 15, 1933, the United States attorney for the Western 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 76 cases of apple butter at Buffalo, N.Y., which had been consigned by Lutz & Schramm Co., from Pittsburgh, Pa., on or about January 26, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Apple Butter * * * Lusco Brand."

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 July 5, 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.*

21325. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30706. Sample no. 40630-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 16, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 7, 1933, by the Cutler Creamery Co., from Cutler, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cutler Creamery Butter."

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.

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 June 28, 1933, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel 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 released to the claimant to be reworked, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws.

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

21326. Adulteration of celery. U. S. v. Elmer Hartner (Hartner Produce Co.). Plea of guilty. Fine, \$25. (F. & D. no. 30202. Sample no. 18476-A.)

This case was based on an interstate shipment of celery that was found to bear arsenic and lead in amounts 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 an information against Elmer Hartner, trading as the Hartner Produce Co., Denver, Colo., alleging shipment by said defendant in violation of the