

from Glassboro, N.J., 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 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.*

21333. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to a welfare organization. (F. & D. no. 30564. Sample no. 32439-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On May 6, 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 four tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about April 25, 1933, by the Rolfe Creamery Co., from Rolfe, Iowa, 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 July 26, 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 product as was wholesome and fit for human consumption be delivered to a welfare organization.

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

21334. Misbranding of canned grapefruit juice. U. S. v. 91¾ Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F & D. no. 30585. Sample no. 32016-A.)

This case involved a shipment of canned grapefruit juice, sample cans of which were found to contain less than the declared volume.

On June 12, 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 91¾ cases of canned grapefruit juice at New York, N.Y., alleging that the article had been shipped on or about January 17, 1933, by the Scoville Canning Co., Inc., from Tampa, Fla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Double H. H. Brand Sweetened Grapefruit Juice Contents 3 Pints 8 Fl. Ounces * * * Packed by Scoville Canning Company, Inc., * * * Wampa and Avon Park, Fla."

It was alleged in the libel that the article was misbranded in that the statement, "Contents 3 Pints 8 Fl. Ounces", was false and misleading and deceived and misled the purchaser. Misbranding was alleged 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 not correct.

On July 14, 1933, Scoville Canning Co., Inc., 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 said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the original labels be removed from the cans and a label bearing the statement, "Contents 1 qt. 1 pt. 1½ fl. oz.", be affixed thereto.

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

21335. Misbranding of macaroni. U. S. v. 28 Cases of Macaroni. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30574. Sample no. 41827-A.)

This case involved a shipment of macaroni in packages that were not labeled, as required by law, with a plain and conspicuous statement of the quantity of the contents. The statement of weight appeared in an obscure fashion on a panel of the label that would not be used for display purposes.

On June 9, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of macaroni at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 27 and May 8, 1933, by the Ronzoni Macaroni Co., Inc., from Long Island City, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ronzoni Pasta Alimentaire * * * Net Weight Fifteen Ounces. Ronzoni Macaroni Co., Inc., Long Island City, N.Y."

It was alleged in the libel that the article was misbranded in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

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.*

21336. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30705. Sample no. 40628-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 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 6, 1933, by the A. F. Schultz Creamery Co., from Antigo, Wis., 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 20, 1933, the Peter Fox Sons 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 said claimant to be reworked, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws.

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

21337. Misbranding of olive oil. U. S. v. 24 Cases and 5 Cases of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30666. Sample no. 39757-A, 39758-A.)

This case involved a shipment of olive oil, sample cans of which were found to contain less than the volume declared on the label.

On June 26, 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 29 cases of olive oil at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 29, 1933, by M. Thomas Marcello, from Providence, R.I., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "One Gallon [or "One Half Gallon"] Liguria Brand Pure Olive Oil Liguria Olive Oil Company."

It was alleged in the libel that the article was misbranded in that the statements, "One Gallon" and "One Half Gallon", borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged 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 packages, since the statement made was incorrect.

On July 6, 1933, M. Thomas Marcello, Cranston, R.I., 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 a cash bond in the sum of \$100, conditioned that the product should not be sold or disposed of contrary to the provisions of the Federal Food