

Act as amended. The article was labeled in part: "Britewest Brand Bartlett Pears, * * * Washington Cannery Cooperative, Vancouver, Washington."

It was alleged in the libel that the article was misbranded in that it was canned food, and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that the liquid portion read below 13 degrees Brix; because of excessive trimming and because of nonuniformity of size; and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it was substandard.

On September 15, 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.*

21384. Adulteration of butter. U. S. v. 35 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30960. Sample no. 40281-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 July 29, 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 35 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 20, 1933, by the Oxford Cooperative Creamery Co., from Oxford, 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 August 7, 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 upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reworked under the supervision of this Department.

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

21385. Adulteration and misbranding of peaches. U. S. v. 700 Half-Bushel Baskets of Peaches. Default decree of condemnation and forfeiture, with provision for delivery of portions fit for food to veterans' hospital. (F. & D. no. 30657. Sample no. 8700-A.)

This case involved a shipment of peaches which were below the grade indicated on the labels, since they consisted in part of undersized stock.

On June 21, 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 700 half-bushel baskets of peaches at Buffalo, N.Y., consigned by Hoyle & Helms, Thomaston, Ga., alleging that the article had been shipped in interstate commerce, June 14, 1933, from Thomaston, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Brooks Mountain Brand Fancy Georgia Peaches, grown, packed and shipped by Hoyle and Helms, Thomaston, * * * Georgia." The product was in half-bushel baskets most of which were further labeled "1 U. S. Standard Bushel", all baskets, however, bore basket markers' stamp "510 U. S. 1/2 Bu." On the lids of the baskets appeared the statement, "Early Rose, 1 7/8 Minimum U. S. No. 1 [or "Early Rose Minimum 2, U. S. No. 1" or "Red Bird U. S. 2 1/4"]."

It was alleged in the libel that the article was adulterated in that peaches below the grade indicated on the labels had been substituted for the article.

Misbranding was alleged for the reason that the statements on the labels, "1 7/8 Minimum", "Minimum 2", and "2 1/4", "Fancy Georgia Peaches", and the statements on certain of the baskets, "1 U. S. Standard Bushel", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On August 12, 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. On August 21, 1933, the decree was modified to permit the marshal to deliver all portions of the peaches found in good condition to the veterans' hospital.

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

21386. Adulteration of tullibeets. U. S. v. 126 Boxes and 69 Boxes of Tullibeets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29697, 29698. Sample nos. 26425-A, 26426-A.)

These cases involved shipments of tullibeets which were found to be infested with worms.

On December 30, 1932, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 195 boxes of tullibeets at Baltimore, Md., alleging that the article had been shipped in interstate commerce, in part on or about October 15, 1932, and in part on or about November 13, 1932, by Booth Fisheries Co., from Warroad, Minn., and charging adulteration in violation of the Food and Drugs Act.

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

On August 3, 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.*

21387. Adulteration of apples. U. S. v. Pacific Fruit & Produce Co. Plea of guilty. Fine, \$50. (F. & D. no. 29484. Sample no. 24249.)

This action was based on a shipment of apples which were found to contain arsenic and lead in amounts which might have rendered them injurious to health.

On April 18, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pacific Fruit & Produce Co., a corporation, Wenatchee, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 31, 1931, from the State of Washington into the State of Texas, of a quantity of apples which were adulterated. The article was labeled in part: (Boxes) "Snoboy Brand Wenatchee Apples * * * Distributed by Pacific Fruit & Produce Company, Home Office, Seattle, Wash."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, which might have rendered it injurious to health.

On September 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

21388. Misbranding of grapes. U. S. v. Milton P. Olson (O. G. Olson Co.). Plea of nolo contendere. Fine, \$10. (F. & D. no. 30139. I.S. no. 39214.)

This case was based on an interstate shipment of grapes which were found to be short weight.

On May 16, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Milton P. Olson, a member of a copartnership trading as O. G. Olson Co., Turlock, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 18, 1931, from the State of California to Chicago, Ill., of a quantity of Carignane grapes which were misbranded. The shipment was diverted from Chicago, Ill., to Uniontown, Pa. The article was labeled in part: (Lugs) "Bungalow Brand Products Nt. Wt. 24 lbs. O. G. Olson Co. Growers and Shippers * * * Turlock, Calif."

It was alleged in the information that the article was misbranded in that the statement "Nt. Wt. 24 lbs." was false and misleading, and for the reason that the article was labeled so as to deceive and mislead the purchaser, since the lugs contained less than 24 pounds. Misbranding was alleged for the