

15, 1933, by Thomas S. Smith, and in part on or about September 29, 1933, by Thomas S. Smith Co., and charging adulteration in violation of the Food and Drugs Act. The former libel charged that the article contained arsenic and was amended because examination subsequent to its filing showed the presence of lead as well as arsenic.

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

On November 14, 1933, the cases having been consolidated and Thomas S. Smith & Co., Hart, Mich., claimant, having admitted the allegations of the libels 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 claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that the apples be washed under the supervision of this Department in order to remove the deleterious ingredients.

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

**21739. Adulteration and misbranding of dried buttermilk. U. S. v. 135 Bags of Dried Buttermilk. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 31276. Sample no. 14139-A.)**

This case involved a shipment of a product which was represented to be dried buttermilk, but which consisted of dried skimmed milk. Examination also showed that the article contained less fat than labeled.

On October 26, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 135 bags of dried buttermilk at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 26, 1933, by the Universal By-Products Co., from Oakland, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Pure Dried Buttermilk Manufactured by Universal By-Products Co. San Francisco, Calif. Guaranteed Analysis \* \* \* Crude Fat not less than 5.05%."

It was alleged in the libel that the article was adulterated in that dried skimmed milk had been substituted wholly or in part for dried buttermilk, which the article purported to be.

Misbranding was alleged for the reason that the statements on the tag, "Pure Dried Buttermilk" and "Crude Fat Not Less than 5.05%", 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 November 10, 1933, the Baltimore Feed & Grain Co., Baltimore, Md., 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 \$1,000, conditioned in part that it be relabeled.

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

**21739-a Adulteration of canned huckleberries. U. S. v. 63 Cases, et al., of Canned Huckleberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31310, 31544, 31579, 31601, 31605, 31644. Sample nos. 51337-A, 51338-A, 58651-A, 58652-A, 58660-A.)**

These cases involved various shipments of canned huckleberries that were found to contain maggots.

On November 1, 4, and 13, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 322 cases of canned huckleberries at Philadelphia, Pa. On November 18 and 22, 1933, the United States attorney for the Southern District of New York filed libels against 249 cases of canned huckleberries at New York, N.Y., and on November 27, 1933, a libel was filed in the District of New Jersey against 147 cases of the product at Burlington, N.J. It was alleged in the libels that the article had been shipped in interstate commerce by Ivan Pettit, from Burlington, N.J., into the States of Pennsylvania and New York, respectively; that the shipments covered the period from August 10, 1933, to October 11, 1933; that 147 cases of the product had been reshipped by the consignee at New York, N.Y., to Burlington, N.J.; and that the article was adulterated in violation of the

Food and Drugs Act. A portion of the article was labeled: "Burlington Brand Huckleberries \* \* \* Packed by Ivans Pettit Burlington, N.J." The remainder was labeled in part, variously: "Pansy Brand", "Red Seal Brand", "Harbor Front Huckleberries", or "Lucky Boy Brand."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 28, December 5, December 30, 1933, and January 3, 1934, 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.*

**21740. Adulteration of apples. U. S. v. 60 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31588. Sample no. 56166-A.)**

This case involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On October 17, 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 60 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 9, 1933, by Steve Kapellas, from Benton Harbor, Mich., 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, in amounts which might have rendered the article injurious to health.

On November 13, 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.*

**21741. Adulteration of butter. U. S. v. 76 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31711. Sample no. 51912-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 November 21, 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 76 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about November 7, 1933, by the Alta Vista Farmers' Mutual Creamery Association, from Alta Vista, 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 November 27, 1933, the Alta Vista Farmers Cooperative Creamery Association, Alta Vista, Iowa, having appeared through an agent as claimant for the property and having admitted the allegations of the libel and 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 \$1,200, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

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

**21742. Adulteration and misbranding of canned shrimp. U. S. v. 700 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Portion of product ordered destroyed. Remainder released under bond to be relabeled. (F. & D. no. 31292. Sample no. 45310-A.)**

This case involved an interstate shipment of canned shrimp identified by various codes. Examination showed that the shrimp in two of the codes was in part decomposed. The labels of a portion of the article, which purported to give the name of the manufacturer and place of manufacture, incorrect, and some of the labels also bore a false claim that the said portion had been packed under the supervision of Alabama State officials.