

On November 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

21749. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31308. Sample no. 55778-A.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent of milk fat, the standard for butter established by Congress.

On October 4, 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 or about September 26, 1933, by James L. Humphrey, Jr., from Humeston, 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 October 2, 1933, Hunter, Walton & 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 bond in the sum of \$250, conditioned that it be reworked under the supervision of this Department.

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

21750. Adulteration and misbranding of coffee. U. S. v. 4 Drums of Coffee. No claim entered. Verdict for the Government. Decree of condemnation containing provision for delivery of product to a charitable organization. (F. & D. no. 31261. Sample no. 35383-A.)

This case involved a product which was represented to be coffee but which was found to contain approximately 25 percent of cereal and a small amount of chicory.

On October 21, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four drums of coffee at West Monroe, La., alleging that the article had been shipped in interstate commerce on or about September 13, 1933, by the Interstate Coffee Co., from Natchez, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Special Rio A 1 Roasted and Packed by Interstate Coffee Co., Natchez, Mississippi."

It was alleged in the libel that the article was adulterated in that coffee, cereal, and chicory had been substituted for coffee, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Special Rio A One" and "Interstate Coffee Co.", 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, since it was invoiced as "Special Rio Medium Dark Roast", which implied that the article was coffee.

On November 17, 1933, no claimant having appeared for the property, and a jury having found that the allegations of the libel were true and correct, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to a charitable organization.

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

21751. Adulteration and misbranding of butter. U. S. v. Harry A. Ernster and Raymond J. Ernster (Ernster Bros.). Plea of guilty. Fine, \$25. (F. & D. no. 27495. I.S. no. 25168.)

This case was based on an interstate 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 May 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the dis-

strict court an information against Harry A. Ernster and Raymond J. Ernster, copartners, trading as Ernster Bros., Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about May 25, 1931, from the State of Illinois into the State of Indiana, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Pure Creamery Butter Quality Brand * * * Packed for Haxson Dairy Co., Inc."

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On December 11, 1933, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25.

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

21752. Misbranding of gray wheat shorts and screenings. U. S. v. 500 Sacks of Gray Wheat Shorts and Screenings. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31731. Sample no. 57532-A.)

This case involved an interstate shipment of feed that contained more crude fiber than declared on the label.

On November 13, 1933, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the district court a libel praying seizure and condemnation of five hundred 100-pound sacks of gray wheat shorts and screenings at Atchison, Kans., alleging that the article had been shipped in interstate commerce on or about November 7, 1933, by Black Bros. Flour Mills Co., from Beatrice, Nebr., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Guaranteed Analysis * * * Crude Fibre, Max. 6.00% * * * Black Bros. Flour Mills Beatrice, Nebr."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Crude Fibre, Max. 6.00%", was false, since the article contained more than 6 percent of crude fiber.

On November 20, 1933, the Black Bros. Flour Mills Co., Beatrice, Nebr., having appeared as claimant for the property 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 \$1,000, conditioned that it be relabeled.

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

21753. Adulteration of apples. U. S. v. 67 Bushels, et al., of Apples. Decrees of condemnation and forfeiture. Product released under bond for cleaning to remove poisonous ingredient. (F. & D. nos. 31712, 31713. Sample nos. 56458-A, 56459-A, 56460-A.)

These cases involved interstate shipments of apples that were found to bear arsenic in an amount that might have rendered the article injurious to health.

On November 2 and November 8, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 528 bushel baskets of apples at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, by the Bovard Orchards, from Frankfort, Mich., 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 contained an added poisonous or deleterious ingredient, arsenic, which might have rendered the article injurious to health.

On November 24, 1933, the Bovard Orchards having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$500, conditioned