

Act, on or about August 3 and August 23, 1932, from the State of Texas into the State of Illinois, of quantities of butter that was adulterated.

It was alleged in the information 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 must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On December 15, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

21836. Adulteration of butter. U. S. v. Mount Angel Cooperative Creamery. Plea of guilty. Fine, \$50. (F. & D. no. 30282. Sample no. 14505-A.)

This case was based on interstate shipments 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 December 1, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mount Angel Cooperative Creamery, a corporation, Mount Angel, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 28 and May 31, 1932, from the State of Oregon into the State of California, of quantities of butter that was adulterated.

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

On December 1, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

21837. Adulteration and misbranding of canned mushrooms. U. S. v. Kennett Square Mushroom Co., Inc. Plea of guilty. Fine, \$75. F. & D. no. 30331. Sample nos. 9535-A, 9536-A, 10933-A.)

This case was based on interstate shipments of a product which was represented to be canned whole mushrooms but which was found to contain a greater proportion of stems than is normal to whole mushrooms.

On November 24, 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 an information against the Kennett Square Mushroom Co., Inc., West Chester, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 16 and February 22, 1932, from the State of Pennsylvania into the State of New York, and on or about April 16, 1932, from the State of Pennsylvania into the State of Massachusetts, of quantities of canned mushrooms that were adulterated and misbranded. The article was labeled in part: "Kennett Cultivated Mushrooms Hotels Kennett Canning Co., Kennett Square, Pa."

It was alleged in the information that the article was adulterated in that a substance, pieces of mushroom stems in excess of the natural and normal proportion of stems contained in a product made from complete units of whole mushrooms, had been substituted in part for the article.

Misbranding was alleged for the reason that the statement, "Mushrooms", and the design of whole mushrooms, borne on the label, were false and misleading and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that they represented that the article was a product made from whole mushrooms containing the normal proportion of stems and caps, whereas it contained excessive stems.

On December 11, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

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

21838. Adulteration of apples. U. S. v. 153 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30435. Sample no. 18456-A.)

This case involved the shipment of a quantity of apples, examination of which showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On February 24, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 153 boxes of apples at Temple, Tex., alleging that the article had been shipped in interstate commerce on or about January 31, 1933, by the Wenatchee District Cooperative Association, from Wenatchee, Wash., 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 or deleterious ingredients, to wit, arsenic and lead, which might have rendered it harmful to health.

On November 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.

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

21839. Misbranding of olive oil. U. S. v. 16 Cans of Olive Oil. Default decree of condemnation and sale. (F. & D. no. 30667. Sample no. 32036-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the declared volume.

On or about June 30, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cans of olive oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about April 14, 1933, by T. Dragani & Co., from Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "One Gallon Liguria Brand Pure Olive Oil Liguria Olive Oil Company."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Gallon", 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 December 7, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be sold by the United States marshal, that the oil be emptied into unmarked receptacles, that the original containers be destroyed, and that it should not be resold by the purchaser.

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

21840. Misbranding of sirup. U. S. v. 398 Cases of Sirup. Product adjudged misbranded; released under bond to be brought into compliance with the law. (F. & D. no. 30756. Sample nos. 46525-A, 46526-A, 46527-A.)

Sample cans of sirup taken from each of the three shipments involved in this case were found to contain less than the labeled volume.

On or about August 2, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 398 cases of sirup at Houston, Tex., alleging that the article had been shipped in interstate commerce in various lots on or about April 24, April 26, and June 23, 1933, by James T. Mary, from Lafayette, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Larrapin Brand Pure Sugar Cane Syrup * * * Contains 3 Quarts 8 Fl. Ozs." and "Old Mary's Brand Louisiana Pure Cane Syrup * * * 3 Qts. 8 Fl. Ozs."

It was alleged in the libel that the article was misbranded in that the statement on the labels as to the weight of the contents was false and misleading. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 10, 1933, James T. Mary having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of