

the supervision of this Department and that it be disposed of only in compliance with law, both Federal and State.

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

22040. Misbranding of canned pears. U. S. v. 242 Cases of Canned Pears. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31868. Sample nos. 54980-A, 58712-A.)

This case involved a shipment of canned pears which fell below the standard established by this Department, because of the presence of excessively trimmed pieces, and which were not labeled to indicate that they were substandard.

On January 20, 1934, 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 242 cases of canned pears at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by the National Fruit Canning Co., from Seattle, Wash., on or about November 20, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "National Red Bartlet Pears * * * Packed by National Fruit Canning Co., Seattle."

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, because of the presence of excessively trimmed pieces, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On January 31, 1934, the National Fruit Canning Co., claimant, 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 execution of a bond in the sum of \$800, conditioned that it be relabeled under the supervision of this Department.

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

22041. Misbranding of sirup. U. S. v. 35 Cases of Sirup. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31871. Sample no. 66714-A.)

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

On January 23, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of canned sirup at Denver, Colo., consigned by the General Food Sales Co., Inc., alleging that the article had been shipped in interstate commerce on or about July 1, 1933, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Towles Log Cabin Syrup Log Cabin Products Co., Inc., Hoboken, N.J. Net Contents 12 Fl. Ozs."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 12 Fl. Ozs.", was false and misleading and deceived and misled the purchaser. Misbranding was further alleged in 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 incorrect.

On January 23, 1934, the General Foods Sales Co., Inc., 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 execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department.

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

22042. Adulteration of butter. U. S. v. 1 Barrel of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31900. Sample no. 54608-A.)

This case involved a shipment of butter that contained maggots, mold, straw, and other extraneous matter. Examination also showed that the article was deficient in milk fat.

On January 9, 1934, 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 1 barrel, containing approximately 154 pounds of butter, at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 21, 1933, by the Barrett Produce Co., from Dalton, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Barrett Produce Co., Dalton, Ga."

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. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 17, 1934, 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.*

22043. Adulteration of butter. U. S. v. 2 Cans of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31901. Sample no. 54609-A.)

This case involved a shipment of butter that contained rodent hair, mold, fiber and other extraneous matter.

On January 9, 1934, 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 two cans, containing approximately 102 pounds of butter, at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 22, 1933, by L. L. Rogers, from Gainesville, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From L. L. Rogers, P. O. Brookton, Ga., Shipp. Point Gainesville, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 17, 1934, 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.*

22044. Adulteration of butter. U. S. v. 11 Cubes of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 31910. Sample no. 60517-A.)

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

On January 4, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 15, 1933, by the Northern Creamery Co., from Great Falls, Mont., 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. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy and decomposed animal substance.

On February 9, 1934, the sole intervener, the Sentinel-Missoula Creamery Co., having consented to the destruction of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that it be destroyed by the United States marshal.

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

22045. Adulteration of butter. U. S. v. 1 Barrel of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31911. Sample no. 66115-A.)

This case involved a shipment of butter which contained rodent hairs, insects and parts of their bodies, and other extraneous matter.