

should contain not less than 80 percent of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged in that the statement, "butter", was false and misleading, since it contained less than 80 percent of milk fat.

On October 24, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

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

**23186. Adulteration of cherries. U. S. v. 22 Baskets of Cherries. Default decree of condemnation and destruction. (F. & D. no. 33332. Sample no. 5833-B.)**

This case involved an interstate shipment of cherries which contained excessive amounts of arsenic and lead.

On August 3, 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 22 baskets of cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 31, 1934, by J. S. Jackson, from Lodi, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**23187. Misbranding of olive oil. U. S. v. 25 Cartons of Olive Oil. Default decree of condemnation. Product ordered delivered to charitable organizations, or destroyed. (F. & D. no. 33400. Sample no. 511-B.)**

Sample bottles of olive oil taken from the shipment involved in this case were found to contain less than 4 ounces, the declared volume.

On September 10, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cartons of olive oil at Portland, Ore., alleging that the article had been shipped in interstate commerce, on or about August 23, 1934, by an agent of the Pompeian Olive Oil Corporation, of Baltimore, Md., from Los Angeles Harbor, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Contents Four Fl. Ozs. Pompeian Virgin Pure Imported Olive Oil."

The article was alleged to be misbranded in that the statement on the label, "Contents Four Fl. Ozs.", was false and misleading and tended to deceive and mislead the purchaser; and in that it 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 October 31, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization or destroyed.

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

**23188. Adulteration and misbranding of butter. U. S. v. One 50-Pound Tin of Butter. Default decree of condemnation and destruction. (F. & D. no. 33402. Sample no. 2823-B.)**

This case involved a shipment of packing stock butter that was found to contain less than 80 percent by weight of milk fat.

On August 17, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 50-pound tin of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about August 11, 1934, by Matt Gullett, from Fannin, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be 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 pre-