

On January 4, 1935, George N. Friedlander, of Everett, Mass., trading as the Eastern Sales Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the labels be obliterated or destroyed and that new labels be placed on each can clearly describing the product.

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

24219. Misbranding of peanut butter. U. S. v. 245½ Cases of Peanut Butter. Decree of condemnation. Product released under bond. (F. & D. no. 33305. Sample nos. 3727-B, 3730-B.)

This case involved an interstate shipment of peanut butter which was short weight.

On August 28, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 245½ cases of peanut butter at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about August 1, 1934, by the Martin Peanut Products Corporation, Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Two Pounds Net Weight Economy Peanut Butter Manufactured by Martin Peanut Products Corporation—Chicago—New York."

The article was alleged to be misbranded in that the statement on the label, "Two Pounds Net Weight", was false and misleading and tended to deceive and mislead the purchaser, since the jars contained less than the declared net weight. 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 incorrect.

On December 5, 1934, the Martin Peanut Products Corporation having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

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

24220. Adulteration of blueberries. U. S. v. 94 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33348. Sample no. 5662-B.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On or about August 3, 1934, the United States attorney for the Western 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 94 crates of blueberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about August 1, 1934, by Michael McGurl, from Jessup, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 30, 1935, 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.*

24221. Misbranding of peanut butter. U. S. v. 25 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. & D. no. 33424. Sample no. 13238-B.)

Sample jars of peanut butter taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On September 7, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of peanut butter at Racine, Wis., alleging that the article had been shipped in interstate commerce on or about August 20, 1934, by the Martin Peanut Products Corporation, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Pound Net Weight Economy Peanut Butter Manufactured by Martin Peanut Products Corpn Chicago New York."

The article was alleged to be misbranded in that the statement on the label, "One Pound Net Weight", was false and misleading and tended to deceive and mislead 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 label, since the statement made was incorrect.

On January 31, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24222. Misbranding of brandy. U. S. v. 4¾ Cases, et al., of Brandy. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33435. Sample nos. 7151-B, 7152-B, 7153-B.)

This case involved interstate shipments of three lots of brandy which was found to contain a smaller proportion of alcohol than declared on the label. Two of the lots were found to be short in volume.

On or about September 12, 1934, 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 13¾ cases of brandy at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about June 7 and June 8, 1934, by the Old Prescription Co., Inc., from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Belle of France Brand Straight Brandy 90 Proof An American Product Old Prescription Co. Jersey City, N. J. Contents 25/32 of a Quart [or "Contents ¾ of 1 Pint" or "Contents 1 Pint"]."

The article was alleged to be misbranded in that the statement "90 Proof" appearing on the label, was false and misleading and tended to deceive and mislead the purchaser, since the alcohol contained was found to be less than 90 proof. Misbranding was alleged with respect to portions of the product for the further reason that the statements on the labels, "Contents 25/32 of a Quart" and "Contents 1 Pint", were false and misleading and tended to deceive and mislead the purchaser, since the bottles were short of the declared volume. Misbranding of the said lots that were short volume was alleged for the further reason that the article was food in package form and the quantity of its contents was not plainly and conspicuously marked on the outside of the package since the statements made were incorrect.

On January 5, 1935, the Old Prescription Co., Inc., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

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

24223. Adulteration of packing stock butter. U. S. v. 1 Barrel and 1 Pail of Packing Stock Butter. Default decree of destruction. (F. & D. no. 33490. Sample no. 3653-B.)

This case involved an interstate shipment of packing stock butter which was found to contain filth.

On August 30, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 barrel and 1 pail of packing stock butter at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about May 28, 1934, by the Fargo Creamery & Produce Co., from Fargo, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 18, 1935, no claimant having appeared, judgment was entered ordering that the product be destroyed.

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

24224. Adulteration and misbranding of butter. U. S. v. 600 Cases of Roll Butter. Product ordered released under bond. (F. & D. no. 33491. Sample no. 2441-B.)

This case involved an interstate shipment of butter that was deficient in milk fat and was short weight.