

On December 31, 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.*

25495. Adulteration of pecans. U. S. v. 3 Bags of Pecan Nuts. Decree of condemnation and destruction. (F. & D. no. 36755. Sample no. 56453-B.)

This case involved pecan nuts which were in part moldy, shriveled, rancid, and wormy.

On December 10, 1935, 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 three bags of pecans at Cincinnati, Ohio, consigned on or about November 30, 1935, alleging that the article had been shipped in interstate commerce by the National Pecan Co. from Albany, Ga., 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 December 23, 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.*

25496. Misbranding of butter. U. S. v. 11 Boxes of Butter. Default decree of condemnation and destruction. (F. & D. no. 36756. Sample no. 28675-B.)

This case involved a shipment of butter which contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On October 26, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 boxes of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 23, 1935, by the Gray & White Co., from Tiffin, Ohio, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gold Creek Butter, A. L. B. brand."

The article was alleged to be misbranded in that the statement "Butter" on the label was false and misleading, since it contained less than 80 percent of milk fat.

On November 20, 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.*

25497. Adulteration and misbranding of butter. U. S. v. 9 Cases and 12 Pounds of Butter. Default decree of condemnation and destruction. (F. & D. no. 36757. Sample nos. 29904-B, 29906-B.)

This case involved butter, samples of which were found to contain mold, fragments of insects, hair, maggots, and other extraneous matter. The product was also deficient in milk fat and was short in weight.

On October 29, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (subsequently amended) praying seizure and condemnation of 9 cases and 12 pounds of butter at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about October 7, 1935, by the Rosemary Creamery, from Atlanta, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Rosemary Pasteurized Process Butter, 1 lb. Net, Manufactured by Rosemary Creamery * * * Atlanta, Georgia"; (wrapper) "Net Weight Not Less Than 2 ozs. When Packed."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance. Adulteration was alleged for the further reason 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 required by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, "Butter", "1 lb. Net", and "Net Weight Not less than 2 ozs. when packed", were false and misleading and deceived and misled the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not