

On July 6, 1935, the Hutchings Brokerage Co., the claimant, consenting, a decree of condemnation and forfeiture was entered, providing for the release of the product to the claimant for relabeling on furnishing of bond in the sum of \$3,000.

W. R. GREGG, *Acting Secretary of Agriculture.*

25567. Misbranding of canned tomatoes. U. S. v. 15 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35509. Sample no. 36849-B.)

The can container of this product was below the prescribed standard of fill and was without the required statement indicating that fact.

On June 3, 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 praying seizure and condemnation of 15 cases of canned tomatoes at Tuscaloosa, Ala., alleging that the article had been shipped in interstate commerce, on or about April 23, 1935, and May 7, 1935, by H. A. Shaver, Inc., Lakeland, Fla., therefrom to Tuscaloosa, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Shaver's Brand Hand Packed Tomatoes Contents 1 Lb. 3 Ozs. Packed by H. A. Shaver, Inc., Lakeland, Fla."

Misbranding of the product was charged under the allegation that the cans were slack-filled in that they contained added tomato products, namely, puree from trimmings; that the product was substandard (1) in that it contained such puree, and (2) in that the cans were slack-filled; and that the labels failed to bear a special statement, namely, "Tomatoes with puree from trimmings."

On July 6, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25568. Misbranding of canned tomatoes. U. S. v. 20 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35600. Sample no. 36849-B.)

The can container of this product was below the prescribed standard of fill and was without the required statement indicating that fact.

On June 6, 1935, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of canned tomatoes at Waynesboro, Miss., alleging that the article had been shipped in interstate commerce, on or about April 23, 1935, and on or about May 7, 1935, by H. A. Shaver, Inc., Lakeland, Fla., therefrom to Waynesboro, Miss., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Shaver's Brand Hand Packed Tomatoes. Contents 1 Lb. 3 Ozs. Packed by H. A. Shaver, Inc., Lakeland, Fla."

Misbranding of the product was charged under the allegation that the cans were slack-filled in that they contained added tomato products, namely, puree from trimmings; that the product was substandard (1) in that it contained such puree and (2) in that the cans were slack-filled; and that the labels failed to bear a special statement, namely, "Tomatoes with puree from trimmings."

On October 2, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25569. Misbranding of canned pears. U. S. v. 26½ Cases of Canned Pears. Default decree of condemnation. Product delivered to public institution. (F. & D. no. 35641. Sample no. 38955-B.)

This case involved a shipment of canned pears that were substandard, and were not labeled to indicate that fact.

On June 17, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26½ cases of canned pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 25, 1934, by the Packwell Corporation, from Fruitvale, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "On the Level Brand Bartlett Pears * * * Packed by The Packwell Corporation, Oakland, Calif."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of

Agriculture, since it was not uniform in size and was not in unbroken halves, 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 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a public institution, for consumption as food and not for resale.

W. R. GREGG, *Acting Secretary of Agriculture.*

25570. Adulteration of butter. U. S. v. 168 Boxes of Butter. Decree of condemnation. Product released under bond to be denatured. (F. & D. no. 35659. Sample no. 36268-B.)

This case involved butter that contained mold and filth.

On June 7, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 168 boxes of butter at Worcester, Mass., consigned on June 1, 1935, alleging that the article had been shipped in interstate commerce by the Beatrice Creamery Co., from Champaign, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Rose Farm Rolls Butter * * * Beatrice Creamery Company * * * Chicago, U. S. A."

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

On February 11, 1936, the Beatrice Creamery Co. having appeared as claimant 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 it be denatured and disposed of for purposes other than for human consumption.

W. R. GREGG, *Acting Secretary of Agriculture.*

25571. Adulteration and misbranding of maple sirup. U. S. v. 2 Drums, et al., of Maple Sirup. Decree of forfeiture. Sirup ordered delivered to Government agency or charitable institution; drums delivered to claimant. (F. & D. nos. 35675, 35676. Sample nos. 36394-B, 36395-B, 36396-B.)

This case involved shipments of maple sirup that was adulterated with sugar sirup, and which was also misbranded since it consisted of a mixture of sugar sirup and maple sirup and was sold under the distinctive name "Maple Syrup."

On June 26, 1935, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four drums of maple sirup at St. Johnsbury, Vt., alleging that the article had been shipped in interstate commerce from the States of New York and Pennsylvania into the State of Vermont on or about April 9 and April 10, 1935, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Cary Maple Sugar Co., St. Johnsbury, Vt. * * * John Wiggers, Panama, N. Y." The remainder was labeled: "Adirondack Maple Co., Lowville, N. Y., 191 Leased to Vt. Evaporator Co. Union City, Pa."

The libel charged that the article was adulterated and misbranded, since analysis showed that it was a mixture of sugar sirup and maple sirup.

On January 15, 1936, the Cary Maple Sugar Co., Inc., having entered a claim for the drums, and no other claimant having appeared, judgment of forfeiture was entered and it was ordered that the sirup be delivered to a Government agency, or to a charitable institution, and that the drums be returned to the claimant.

W. R. GREGG, *Acting Secretary of Agriculture.*

25572. Adulteration of butter. U. S. v. 11 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 35721. Sample no. 16463-B.)

This case involved butter that contained mold and other extraneous matter.

On May 29, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 19, 1935, by Kadane-Brown, Inc., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sunlight Creamery Butter * * * The Cudahy Packing Co., * * * Chicago, Distributors."