

was adulterated and misbranded. The article was labeled in part: "Lander Creamery Company Primrose Butter."

It was alleged to be adulterated in that a substance 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 Congress of March 4, 1923.

The article was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading, since the article was not butter but was a product containing less than 80 percent by weight of milk fat.

On February 9, 1938, the defendants entered pleas of guilty and the court imposed fines in the total amount of \$100.

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

28610. Adulteration and misbranding of candy. U. S. v. 7 Boxes and 7 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 40901, 40902. Sample Nos. 61135-C, 61136-C.)

The candy bars in this assortment were insect-infested. Some of them were short of the declared weight, and the wrappers on others bore no statement of the net weight.

On November 23, 1937, 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 14 boxes of candy at Huntsville, Ala., alleging that the article had been shipped in interstate commerce on or about November 3, 1937, by the Consolidated Candy Co. from Dallas, Tex.; and charging adulteration of all and misbranding of a portion of the product in violation of the Food and Drugs Act as amended. The boxes each contained a number of small pieces and a number of bars labeled variously: "Kiddo," "Good Time," "Oky-Doky," or "Penny-Anny." A portion of the boxes were labeled: "Scotty Deal Consolidated Candy Co."

The candy bars were alleged to be adulterated in that they consisted in whole or in part of a filthy vegetable substance.

Portions of the said candy bars were alleged to be misbranded in that the statements (Kiddo, Good Time, and Oky-Doky brands) "1½ Oz. or Over," and (Penny-Anny brand) "¾ Oz. or Over," were false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the statement was incorrect. Certain unlabeled bars were alleged to be misbranded in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On February 19, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

28611. Adulteration and misbranding of brewers' rice. U. S. v. 132 Bags of Brewers' Rice. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 40447. Sample No. 37737-C.)

This product was in part insect-infested and the sacks containing it bore no quantity of contents statement.

On October 7, 1937, the United States attorney for the Southern 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 132 bags of brewers' rice at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 13, 1937, from Houston, Tex., by Southern Rice Sales Co., Inc., and charging adulteration and misbranding 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 vegetable substance.

Misbranding was 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.

On February 1, 1938, Southern Rice Sales Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released

under bond conditioned that the unfit portion be segregated and destroyed or denatured so that it could not be disposed of for human consumption.

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

28612. Adulteration of evaporated apples. U. S. v. 300 Cases of Evaporated Apples. Consent decree of condemnation. Product released under bond. (F. & D. No. 40628. Sample No. 62827-C.)

This product was in part wormy, moldy, and decomposed.

On October 28, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of evaporated apples at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about September 29, 1937, from Bentonville, Ark., by Bentonville Evaporator Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Choice Evaporated Apples * * * Packed by Bentonville Evaporator Co., Bentonville, Arkansas."

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

On December 13, 1937, Bentonville Evaporator Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of this Department.

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

28613. Adulteration of tomato and celery juice. U. S. v. 4 Cases of Tomato and Celery Juice. Default decree of condemnation and destruction. (F. & D. No. 40708. Sample No. 1133-C.)

Samples of this product were found to be decomposed.

On November 18, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of tomato and celery juice at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about April 11, 1936, from Clearfield, Utah, by Woods Cross Canning Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Celto Brand Tomato and Celery Juice * * * Packed for Blake and Blackinton, Ogden, Utah."

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

On January 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28614. Adulteration of butter. U. S. v. 39 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond conditioned that it be reworked. (F. & D. No. 41800. Sample Nos. 13891-D, 940-D.)

This product was deficient in milk fat.

On February 11, 1938, 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 39 tubs of butter at Somerville, Mass., consigned about February 1, 1938, alleging that the article had been shipped by the Farmers Cooperative Creamery Co. from Boyden, Iowa, and charging adulteration 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, which it purported to be, the act of Congress approved March 4, 1923, providing that butter should contain not less than 80 percent of milk fat.

On February 15, 1938, First National Stores, Inc., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the butter was ordered released under a cash bond conditioned that it be reworked so as to contain at least 80 percent of milk fat.

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

28615. Adulteration of flour. U. S. v. 350 Sacks of Flour (and 2 other seizure actions against the same product). Consent decree of condemnation. Product released under bond to be denatured. (F. & D. Nos. 40639, 41074, 41075. Sample Nos. 38465-C, 56518-C, 57338-C.)

Samples of this product were found to be infested with insects and larvae.

On November 1 and December 13, 1937, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture,