

On March 30, 1938, the Walter Ely Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned and relabeled.

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

28794. Misbranding of butter. U. S. v. 4 Cases of Butter. Decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 42039. Sample No. 2802-D.)

This product was short weight.

On March 12, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of butter at Greeley, Colo., consigned by the Terry Carpenter Store, alleging that the article had been shipped in interstate commerce on or about March 1, 1938, from Terrytown, Nebr., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Terry's Congressman Creamery Butter, Terry's Creamery, Terrytown, Nebr."

The article was alleged to be misbranded in that the statement on the label, "One Pound Net," was false and misleading since the package contained less than that quantity; 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 quantity stated was not correct.

On March 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

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

28795. Adulteration and misbranding of canned mustard greens. U. S. v. 49 Cases of Canned Mustard Greens. Default decree of condemnation and destruction. (F. & D. No. 41343. Sample No. 61351-C.)

These greens were gritty and insect-infected. Moreover, all were labeled "Mustard Greens," but a part consisted of spinach.

On January 6, 1938, 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 49 cases of canned mustard greens at New Orleans, La., alleging that the article had been shipped on or about December 3, 1937, in interstate commerce by Dorgan-McPhillips Packing Corporation, from Columbia, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Kist Brand Mustard Greens * * * Packed by Dorgan-McPhillips Packing Corp. Mobile, Ala."

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

A portion was alleged to be misbranded in that the statement "Mustard Greens" was false and misleading and tended to deceive and mislead the purchaser when applied to cans containing spinach.

On March 10, 1938, no claimant having appeared, judgment of condemnation and forfeiture, with order of destruction, was entered.

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

28796. Adulteration of walnut meats. U. S. v. 6 Boxes and 3 Boxes of Walnut Kernels. Default decree of condemnation and destruction. (F. & D. Nos. 41257, 41258. Sample Nos. 63879-C, 63880-C.)

This product was moldy, rancid, and decomposed.

On December 23, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine boxes of walnut kernels at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 16, 1937, by Pacific Nut Growers from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Walnut Kernels Packed At Sunridge Grove Sheridan Oregon."

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

On March 26, 1938, no claimant having appeared, judgment of condemnation and forfeiture, with order of destruction, was entered.

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