

court a libel praying seizure and condemnation of 105 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 23 and 26, 1938, from Aurora, Mo., by O. E. Moore, 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, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On April 19, 1938, Dauber Bros., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked.

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

28874. Adulteration of canned peas. U. S. v. 129 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. No. 41654. Sample No. 1593-D.)

Examination of this product showed the presence of decomposed peas.

On February 8, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 129 cases of canned peas at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce on or about June 24, 1937, from Aberdeen, Md., by C. W. Baker & Sons, for Lineboro Canning Co., Lineboro, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Baker's Brand Early June Peas * * * Distributors C. W. Baker & Sons, Aberdeen, Md."

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

On April 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28875. Adulteration of butter. U. S. v. 27 Tubbs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 42427. Sample Nos. 21739-D, 21740-D.)

This product contained less than 80 percent of milk fat.

On April 27, 1938, 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 27 tubbs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 14, 1938, from Marshall, Mo., by Page Milk Co., 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, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On April 27, 1938, S. S. Borden Co., 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 it be reworked.

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

28876. Adulteration of butter. U. S. v. 13 Tubbs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42171. Sample No. 14145-D.)

This product was deficient in milk fat.

On March 30, 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 13 tubbs of butter at Boston, Mass., consigned on or about March 22, 1938, alleging that the article had been shipped in interstate commerce by Land O'Lakes Creameries, Inc., from Minneapolis, Minn., 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.

On April 14, 1938, Land O'Lakes Creameries, Inc., 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 reworked so that it contain at least 80 percent of milk fat.

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

28877. Adulteration and misbranding of butter cookies. U. S. v. 245 Dozen Packages of Butter Cookies. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42194. Sample No. 14175-D.)

These so-called butter cookies contained no butter, and the packages were not properly labeled to indicate the quantity of contents.

On April 14, 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 245 dozen packages of cookies at Cambridge, Mass., alleging that the article had been shipped in interstate commerce on or about April 6, 1938, by Felber Biscuit Co. from Columbus, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled: "Pennant Butter Cookies Contents 42 Cookies The Felber Biscuit Company, Columbus."

The article was alleged to be adulterated in that a substance which contained no butter had been substituted in whole or in part for a product which purported to be a butter cooky.

It was alleged to be misbranded in that the statement "Butter Cookies" was false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained no butter; and in that it was offered for sale under the distinctive name of another article, namely, "Butter Cookies." It was alleged to be misbranded further 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 statement "Contents 42 Cookies" did not give an accurate idea of the quantity in the package.

On April 18, 1938, the Felber Biscuit Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department so as to describe the true nature and quantity of contents.

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

28878. Adulteration of fish roe. U. S. v. 4 Kegs of Fish Roe, et al. Default decree of condemnation and destruction. (F. & D. Nos. 42053 to 42064, incl. Sample Nos. 12201-D to 12212-D, incl.)

This product contained parasitic worms and fish scales.

On March 28, 1938, 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 103 kegs and 4½ barrels of fish roe at New York, N. Y., alleging that the article had been shipped between March 1, 1937, and March 10, 1938, by various Wisconsin and Michigan shippers, 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 animal substance.

On April 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28879. Adulteration of potatoes. U. S. v. 399 Sacks and 228 Sacks of Potatoes. Default decrees of condemnation and destruction. (F. & D. Nos. 41932, 41944. Sample Nos. 16152-D, 16153-D.)

These potatoes were seriously damaged by net necrosis.

On March 11, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 627 sacks of potatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 19, 1938, from Charlestown, Mass., by Roy G. Spark, Inc., Produce Market, of Charlestown, Mass., and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Packed By A. E. Mooers Houlton Maine."

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

On April 20, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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