

**28950. Supplement to notice of judgment No. 27183. Conviction for contempt of court for the unlawful disposal of goods seized under libel charging violation of the Food and Drugs Act. U. S. v. Walter F. Deeth. Fine, \$50. (F. & D. No. 39052. Sample No. 13808-C.)**

On May 19, 1937, judgment of condemnation and destruction was entered in the United States District Court for the Western District of Texas, against 11 cases of sorghum-flavored sirup which had been shipped by Penick & Ford, Ltd., Inc., from Harvey, La., to San Antonio, Tex., and which had been seized under a libel charging misbranding in that the cans contained less than the amount declared on the label, namely, 5 pounds. (Notice of Judgment No. 27183.)

The product had been seized in possession of the National Grocer Co., San Antonio, Tex., the consignee, and had been left in custody of that firm. When the United States marshal attempted to carry out the order of destruction, he ascertained that the product had been disposed of.

On July 16, 1937, Walter F. Deeth, secretary of the National Grocer Co., was cited for contempt of court. He was charged with having delivered goods which had been attached by order of the court, to C. L. Pugh, of San Antonio, Tex., a representative of the shipper, and he was convicted of the charge and sentenced to pay a fine of \$50.

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

**28951. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation and destruction. (F. & D. No. 40883. Sample No. 46663-C.)**

This product contained mold, and a portion was deficient in milk fat.

On November 12, 1937, 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 27 tubs of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 26, 1937, from New Martinsville, W. Va., by Bowser Sales & Trading Corporation, 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 animal substance. A portion was alleged to be adulterated further 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 May 20, 1938, Bowser Sales & Trading Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

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

**28952. Adulteration of flour. U. S. v. 490 Bags of Flour. Decree of condemnation. Product released under bond. (F. & D. No. 40478. Sample No. 43836-C.)**

This product was weevil-infested.

On October 13, 1937, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 490 bags of flour at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about June 12 and July 11, 1936, by the Fisher Flouring Mills Co. from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fisher's Morbread Flour Fisher Flouring Mills Company Seattle."

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

On November 15, 1937, the Fisher Flouring Mills Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be reconditioned for some purpose other than human consumption.

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

**28953. Adulteration of cream. U. S. v. 1 10-Gallon Can and 2 10-Gallon Cans of Cream. Default decrees of condemnation and destruction. (F. & D. Nos. 40368, 40369. Sample Nos. 48379-C, 48601-C.)**

This product was filthy and decomposed.

On or about August 31 and September 3, 1937, the United States attorney for the Northern District of West Virginia, acting upon reports by the Secretary of

Agriculture, filed in the district court libels praying seizure and condemnation of three 10-gallon cans of cream at New Martinsville, W. Va., alleging that the article had been shipped in part on or about August 28 and 30, 1937, from New Matamoras, Armstrong Mills, and Bealsville, Ohio, by Bowser Sales & Trading Corporation, 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, and putrid animal substance.

On August 31 and September 4, 1937, the owners of the product having consented, judgments of condemnation were entered and the product was ordered destroyed.

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

**28954. Adulteration of crab apples. U. S. v. 27 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. No. 41354. Sample No. 59215-C.)**

This product was contaminated with excessive arsenic and lead.

On or about October 14, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bushels of crab apples at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about September 28, 1937, by Virgil Goth from Coloma, Mich., to himself at Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28955. Misbranding of canned cherries. U. S. v. 180 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 40742. Sample No. 60553-C.)**

This product fell below the standard established by this Department because it contained excessive pits, and it was not labeled to indicate that it was substandard.

On November 15, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 cases of canned cherries at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about August 19, 1937, by Ray A. Ricketts Co. from Canon City, Colo., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "O-Joy Brand \* \* \* Red Pitted Cherries \* \* \* Packed by Ray A. Ricketts Company."

It 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, in that there was present more than 1 cherry pit per each 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 23, 1938, four cases of the product having been seized and no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28956. Adulteration and misbranding of butter. U. S. v. 5 Cases of Sunlight Creamery Butter. Default decree of forfeiture. Product ordered delivered to a charitable institution. (F. & D. No. 40192. Sample No. 53330-C.)**

This product was deficient in milk fat.

On August 9, 1937, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of butter at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about August 2, 1937, by the Louisville Creamery from Louisville, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunlight Creamery Butter \* \* \* The Cudahy Packing Co."