

district court five libels praying seizure and condemnation of 355 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about April 23 and May 2 and May 5, 1938, in various shipments from Clymer, Sherman, Curthage, Croghan, and Harrisville, N. Y., by Robert H. Maroney; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, Robert H. Maroney, St. Regis Falls, N. Y., claimant, having admitted the allegations of the libels, the product was ordered released under bond conditioned that it be deleaded.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29133. Adulteration of cheese. U. S. v. 14 Boxes of Cheese. Default decree of condemnation and destruction. (F. & D. No. 42255. Sample No. 16459-D.)

This product contained an excessive amount of moisture.

On April 26, 1938, 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 14 boxes of cheese at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about April 7, 1938, from Hustisford, Wis., by M. P. E. Radloff; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance containing excessive moisture had been substituted wholly or in part for the article.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29134. Misbranding of peanut butter. U. S. v. 44 Cases and 30 Cases of Peanut Butter (and 1 similar seizure action). Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 42428-D, 42429-D, 42433-D. Sample Nos. 16352-D, 16355-D, 16356-D.)

This product was short weight.

On May 18, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 129 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on various dates between December 17, 1937, and April 25, 1938 from Birmingham, Ala., and Jackson, Miss., by the Alabama Vinegar Co., of Birmingham, Ala.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White House Peanut Butter * * * Alabama Vinegar Co. Birmingham, Ala."

It was alleged to be misbranded in that the statements variously borne on the label, "Contents 1 Lb.," "Contents 16 Oz. Avoir.," and "Contents 8 Oz.," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; 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 quantities stated were not correct.

On June 27, 1938, Sessions Co., Inc., Enterprise, Ala., 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 relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29135. Misbranding of peanut butter. U. S. v. 18 Cases and 233 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. & D. Nos. 42361, 42397. Sample Nos. 16374-D, 16376-D.)

This product was short weight.

On May 10 and 14, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 251 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on March 4 and 11, 1938, from Brundidge, Ala., by J. D. Johnston, Jr. Co. Inc.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Johnston's * * * Peanut Butter * * * Packed by J. D. Johnston Jr. Co. Inc. Brundidge, Ala."