

article had been shipped in interstate commerce on or about December 14, 1938, by the Falls City Creamery Co. from Falls City, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged 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.

On January 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable organizations.

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

**30090. Adulteration of butter. U. S. v. 32 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44664. Sample No. 32976-D.)**

This product contained less than 80 percent of milk fat.

On December 9, 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 32 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 19, 1938, by the Salt City Creamery Co. from Hutchinson, Kans.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged 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 for by act of March 4, 1923.

On January 5, 1939, Dauber Bros., Chicago, Ill., claimant, having consented to the entry of a decree and 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 under the supervision of this Department.

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

**30091. Misbranding of canned tomatoes. U. S. v. 192 Cases of Canned Tomatoes. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. No. 42894. Sample No. 15898-D.)**

This product was substandard because it did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On June 7, 1938, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 192 cases of canned tomatoes at Duncan, Okla.; alleging that the article had been shipped in interstate commerce on or about March 12, 1938, by the Central Cannery, Inc., from Fayetteville, Ark.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Central Cannery Tomatoes \* \* \* Standard Quality."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it did not consist of whole or of large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department, indicating that it fell below such standard.

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

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

**30092. Adulteration of crab meat. U. S. v. Herbert Lee Lawson (Star Oyster Co.). Plea of guilty. Fine, \$40 and costs. (F. & D. No. 42634. Sample Nos. 34158-D, 34266-D, 34272-D, 34276-D.)**

This product contained evidence of the presence of filth.

On January 10, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herbert Lee Lawson, trading as the Star Oyster Co., Crisfield, Md.; alleging shipment by said defendant in violation of the Food and Drugs Act within the period from on or about August 3 to on or about August 16, 1938, from the State of Maryland into the States of New Jersey and New York and the District of Columbia, of quantities of crab meat that was adulterated.