

15942. Adulteration of frozen poultry. U. S. v. 2 Barrels of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22982. I. S. No. 03001. S. No. 1051.)

On August 15, 1928, 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 of the United States for said district a libel praying seizure and condemnation of 2 barrels of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Fort Worth Poultry Co., from Fort Worth, Tex., on or about July 18, 1928, and had been transported from the State of Texas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of emaciated, decomposed, and tubercular birds and was unfit for food, and in that it was the product of a diseased animal.

On September 7, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15943. Misbranding of alfalfa feed. U. S. v. 50 Bags of Alfalfa Feed. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 23005. I. S. No. 013156. S. No. 1082.)

On August 21, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 bags of alfalfa feed, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the A. W. Scott Co., from San Francisco, Calif., on or about July 25, 1928, and transported from the State of California into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Atlas Poultry Greens Made From Fancy Ground Alfalfa * * * Guaranteed Analysis Protein 20% Min. * * * Fibre 18% Max. * * * Packed by The A. W. Scott Co. * * * San Francisco, Cal."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Guaranteed Analysis Protein 20% Min. Fibre 18% Max.," was false and misleading and deceived and misled the purchaser.

On September 6, 1928, the A. W. Scott Co., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or disposed of until correctly labeled and has passed inspection by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15944. Adulteration and misbranding of cottonseed meal. U. S. v. 600 Bags, et al., of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22337, 22339. I. S. Nos. 17540-x, 17541-x. S. Nos. 391, 396.)

On January 3, 1928, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 830 bags or sacks of cottonseed meal, remaining in the original unbroken packages, in part at Los Angeles, Calif., and in part at Victoria, Calif., consigned by the Arizona Cotton Oil Co., Glendale, Ariz., alleging that the article had been shipped from Glendale, Ariz., in two consignments, on or about November 18, 1927, and December 2, 1927, respectively, and had been transported from the State of Arizona into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Arizona Cotton Oil Co., Glendale, Arizona, Crude Protein 40 per cent."

It was alleged in the libel that the article was adulterated in that cottonseed feed low in protein had been mixed and packed with and substituted in part for the said article.

It was further alleged in the libel that the article was in violation of section 8 of said act, general paragraph and paragraphs 1, 2, and 4, under "Food" in that the statement "Crude Protein 40 Per Cent," borne on the label, was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.