

16630. Adulteration and misbranding of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24018. I. S. No. 03712. S. No. 2112.)

On July 24, 1929, 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 17 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Golden Star Creamery Co., Bennett, Iowa., on or about July 16, 1929, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 29, 1929, the Golden Star Creamery Association (Inc.), Bennett, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 \$500, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the law. The claimant further agreed that the reconditioned product contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16631. Adulteration of oranges. U. S. v. H. T. Montgomery Corp. (J. E. Montgomery (Inc.)). Plea of guilty. Fine, \$25. (F. & D. No. 22549. I. S. Nos. 13966-x, 15301-x, 16588-x.)

On June 25, 1928, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the H. T. Montgomery Corporation, trading as J. E. Montgomery (Inc.), Tampa, Fla., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about March 3, March 8, and March 10, 1927, from the State of Florida into the States of Pennsylvania, Louisiana, and Tennessee, respectively, of quantities of oranges which were adulterated.

It was alleged in the information that the article was adulterated in that a substance, to wit, decomposed and frost-damaged oranges, had been substituted in part for edible oranges, which the said article purported to be, and in that orange juice, a valuable constituent of the article, had been in part abstracted.

On February 25, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16632. Misbranding of cottonseed cake and meal. U. S. v. 100 Sacks of Cottonseed Cake and Meal. Product ordered released under bond to be relabeled. (F. & D. No. 23275. I. S. No. 07505. S. No. 1395.)

On February 2, 1929, the United States attorney for the District of Montana, 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 100 sacks of cottonseed cake and meal, remaining in the original unbroken packages at Glendive, Mont., alleging that the article had been shipped by the Dallas Oil & Refining Co., Dallas, Tex., on or about December 13, 1928, and transported from the State of Texas into the State of Montana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Army Brand Prime Cottonseed Cake and Meal 100 Pounds Net Guaranteed Analysis Protein Not Less Than 43 Per Cent. Louis Tobian & Co., Dallas, Texas."

It was alleged in the libel that the article was misbranded in that the statements, above quoted, borne on the label, were false and misleading and deceived and mislead the purchaser, since the product contained less than 43 per cent of protein as stated on the label.

On June 29, 1929, the Dallas Oil & Refining Co., Dallas, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, a

decree was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$450, conditioned that it be properly labeled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16633. Misbranding of salad oil. U. S. v. Terminal Packing Co. Plea of guilty. Defendant ordered to pay \$50 in lieu of costs. (F. & D. No. 22579. I. S. Nos. 16499-x, 16500-x, 21026-x, 21027-x, 21028-x.)

On November 27, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Terminal Packing Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act as amended, in various lots, on or about October 24, November 9, and November 12, 1927, respectively, from the State of Massachusetts into the State of Rhode Island, of quantities of salad oil which was misbranded. The article was labeled in part, variously: "0.97% of ½ Gal. or ¾ Lbs. Net (or "0.97% of 1 Gal. or 1½ Lbs. Net") Star White Brand Salad Oil * * * Terminal Packing Co. Boston, Mass.;" "Net Contents 0.98 of 1 Gal. or 1½ Lbs. Net Marca Tre Cavalli Olio Per Insalata * * * A Pure Vegetable Oil of Finest Quality For Salads, Cooking, Mayonnaise, Etc.;" "Salad Oil Superfine Rosa Brand Pure Salad Oil * * * Boston, Mass. Net Contents 0.98 of One Quart or 1⅞ Lbs. (or "Net Contents 0.98 of Half Gallon or ¾ Lbs.")."

It was alleged in the information that the article was misbranded in that the statements, to wit, "0.97% of ½ Gal. or ¾ Lbs. Net," "0.97% of 1 Gal. or 1½ Lbs. Net," "Net Contents 0.98 of 1 Gal. or 1½ Lbs. Net," "Net Contents 0.98 of One Quart or 1⅞ Lbs.," and "Net Contents 0.98 of Half Gallon or ¾ Lbs.," as the case might be, borne on the cans containing the article, were false and misleading in that the said statements represented that the cans contained the amount of the product declared on the label, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained the said declared amount of the product, whereas they did not, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 17, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered that the said defendant pay the sum of \$50 in lieu of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16634. Misbranding of poultry greens. U. S. v. 800 Sacks of Atlas Poultry Greens. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23119. I. S. No. 0127. S. No. 1222.)

On October 25, 1928, the United States attorney for the Southern District of Florida, 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 800 sacks of Atlas poultry greens, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the A. W. Scott Co., from San Francisco, Calif., on or about September 22, 1928, and transported from the State of California into the State of Florida, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Atlas Poultry Greens Manufactured by the A. W. Scott Co., San Francisco, California. Guaranteed Analysis Crude Protein, not less than 20 per cent, Crude Fat, not less than 2 per cent, Crude Fiber, not more than 18 per cent."

It was alleged in the libel that the article was misbranded in that the statements, "Guaranteed Analysis Crude Protein, not less than 20 per cent, Crude Fiber, not more than 18 per cent," borne on the package or label, regarding the said article or the ingredients or substances contained therein were false and misleading and deceived and misled the purchaser.

On November 19, 1928, the Jackson Grain Co., a Florida corporation, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon