

amended. The article was labeled in part: (Carton) "1 Lb. Net Wt. Sunshine Creamery Company Butter."

It was alleged in the libel that the article was misbranded in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct.

On September 13, 1928, by consent of the intervenor, 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.*

**16992. Adulteration of canned tomatoes. U. S. v. 1097 Cases of Canned Tomatoes. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 23879. I. S. No. 01161. S. No. 2070.)**

On or about July 16, 1929, the United States attorney for the Western District of Oklahoma, 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 1,097 cases of canned tomatoes at Altus, Okla., consigned by the Rio Grande Valley Canning Co., Pharr, Tex., June 12, 1929, alleging that the article had been shipped in interstate commerce from Pharr, Tex., to Altus, Okla., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Rio Grande Brand Hand-Packed Tomatoes \* \* \* Packed by Rio Grande Valley Canning Company, Pharr, Texas."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, paragraph 6, in that said article showed decomposition.

On November 12, 1929, the court having found that the product was unfit for food, and the claimant 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16993. Adulteration and misbranding of vanilla extract. U. S. v. 474 Bottles, et al., of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24086. I. S. Nos. 019851, 019852. S. No. 2331.)**

On or about October 1, 1929, the United States attorney for the District of Kansas, 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 four hundred and seventy-four 4-ounce bottles and one hundred and seventeen 16-ounce bottles of vanilla extract at Fort Leavenworth, Kans., consigned by the Atlanta Supply Co., Atlanta, Ga., alleging that the article had been shipped from Atlanta, Ga., on or about August 30, 1929, and transported from the State of Georgia into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Flavoring Extract Vanilla \* \* \* Manufactured by The Atlanta Supply Company, Atlanta, Georgia."

It was alleged in the libel that the article was adulterated in that an artificially colored imitation product had been substituted in part for the said article, and had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Flavoring Extract Vanilla," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On January 8, 1930, 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.*

**16994. Adulteration of cull poultry. U. S. v. 1 Barrel of Cull Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24340. I. S. No. 028686. S. No. 2606.)**

On December 12, 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 1 barrel of cull poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Vilas & Co., from Storm Lake, Iowa, November 25, 1929, and transported from the State of Iowa 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 whole or in part of a filthy, decomposed, or putrid animal substance; in that it consisted in whole or in part of a portion of an animal unfit for food; and in that it was the product of a diseased animal.

On January 7, 1930, 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.*

**16995. Misbranding of linseed meal. U. S. v. Mann Bros. Co. Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 23718. I. S. Nos. 18701-x, 20091-x, 20125-x, 20598-x.)

On June 24, 1929, the United States attorney for the Western 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 an information against the Mann Bros. Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about October 28, October 29, and October 31, 1927, respectively, from the State of New York, in part into the State of Pennsylvania, and in part into the State of Delaware, of quantities of linseed meal, which was misbranded. The article was labeled in part: (Sacks) "The Mann Bros. Company Buffalo, N. Y. \* \* \* 34% Protein Pure Old Process Linseed Meal Guaranteed Analysis Minimum Protein 34%."

It was alleged in the information that the article was misbranded in that the statement, to wit, "Guaranteed Analysis Minimum Protein 34%," borne on the said sacks, was false and misleading in that the said statement represented that the article contained not less than 34 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 34 per cent of protein, whereas it contained less than 34 per cent of protein, the four lots of the product containing approximately 31.59 per cent, 31.59 per cent, 32.07 per cent, and 31.63 per cent of protein, respectively.

On November 15, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16996. Adulteration of Brazil nuts. U. S. v. 40 Bags of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24391. I. S. No. 028550. S. No. 2615.)

On December 20, 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 40 bags of Brazil nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Italy, on or about June 21, 1929, and transported from a foreign country 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 whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, moldy, wormy, and rancid or decomposed nuts.

On January 6, 1930, Wm. A. Higgins & Co. (Inc.), New York, N. Y., 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 \$350, conditioned in part that it be sorted to separate the good from the bad nuts, and the latter destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*