

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 and vegetable substance, and in that small quantities of the water contained the colon-aerogenes group of organisms.

On February 13, 1930, no claimant having appeared for the property, judgment of condemnation 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.*

**17015. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24565. I. S. No. 011588. S. No. 2777.)**

On or about January 22, 1930, 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 a libel praying seizure and condemnation of 17 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about January 8, 1930, alleging that the article had been shipped by Armour & Co., Chicago, Ill., and transported from the State of Illinois into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On January 27, 1930, Armour & Co., Chicago, Ill., 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 \$900, conditioned in part that it be reworked under the supervision of this department, so that it comply with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17016. Misbranding of cottonseed meal. U. S. v. Richard E. Lillard, Andrew C. Dunklin, Irby W. Dunklin, and W. Bryan Dunklin (Fort Smith Cotton Oil Co.). Pleas of guilty. Fines, \$96. (F. & D. No. 23756. I. S. Nos. 01412, 01413, 01414, 01415, 01416, 01417, 01420, 01556.)**

On September 30, 1929, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Richard E. Lillard, Andrew C. Dunklin, Irby W. Dunklin, and W. Bryan Dunklin, copartners, trading as Fort Smith Cotton Oil Co., Fort Smith, Ark., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, on or about January 29, January 30, January 31, and February 1, 1929, respectively, from the State of Arkansas into the State of Missouri, of quantities of cottonseed meal which was misbranded. The article was labeled in part: "'Old Fort' Brand Choice 43% Grade Cotton Seed Meal (Guaranteed Analysis) Ammonia 8.36% Nitrogen 6.88%, Crude Protein 43.00% \* \* \* Manufactured By Fort Smith Cotton Oil Co. Fort Smith, Arkansas."

It was alleged in the information that the article was misbranded in that the statements, to wit, "Choice 43% Grade Cotton Seed Meal (Guaranteed Analysis) Ammonia 8.36%, Nitrogen 6.88%, Crude Protein 43.00%," borne on the tags attached to the sacks containing the said article, were false and misleading in that the said statements represented that the article was choice 43 per cent grade cottonseed meal containing 8.36 per cent of ammonia, 6.88 per cent of nitrogen, and 43 per cent of crude protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was choice 43 per cent grade cottonseed meal, containing 8.36 per cent of ammonia, 6.88 per cent of nitrogen, and 43 per cent of crude protein, whereas the article was not choice 43 per cent grade cottonseed meal containing the declared amounts of ammonia, nitrogen, and crude protein, but did contain less than 8.36 per cent of ammonia, less than 6.88 per cent of nitrogen, and less than 43 per cent of crude protein.

On November 7, 1929, the defendants entered pleas of guilty to the information, and the court imposed fines aggregating \$96.

ARTHUR M. HYDE, *Secretary of Agriculture*