

various portions of the article, were false and misleading in that the said statements represented that the article contained not less than 43 per cent of crude protein, or of protein, as the case might be; 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 43 per cent of crude protein, or of protein, whereas the said article did not contain the amount of crude protein or protein, as so represented, but did contain a less amount.

On February 14, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$600.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17138. Adulteration and misbranding of butter. U. S. v. Six 30-Pound Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23948. I. S. No. 07562. S. No. 2104.)**

On June 28, 1929, the United States attorney for the Northern 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 six 30-pound cases of butter, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped by the Cloverleaf Butter Co., Birmingham, Ala., June 19, 1929, and transported from the State of Alabama into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Cloverleaf Brand Process Butter Pasteurized Manufactured by Cloverleaf Butter Co., \* \* \* Birmingham, Alabama, One Pound."

Adulteration of the article was alleged in substance in the libel for the reason that the said article was deficient in milk fat, in that a product had been substituted for butter, and in that it contained less than 80 per cent by weight of milk fat.

Misbranding was alleged in substance for the reason that the packages containing the article were labeled "One Pound," whereas the said packages did not contain 1 full pound of butter.

On October 19, 1929, 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.*

**17139. Adulteration of butter. U. S. v. 14 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24629. I. S. No. 011589. S. No. 2771.)**

On January 20, 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 14 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about January 13, 1930, alleging that the article had been shipped by the Estelline Cooperative Creamery, 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 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 February 18, 1930, the Estelline Cooperative Creamery Co., Estelline, S. Dak., 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 payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17140. Adulteration of walnuts. U. S. v. 50 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24355. I. S. No. 026729. S. No. 2573.)**

On December 14, 1929, the United States attorney for the Northern District of Illinois, 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 walnuts at Chicago, Ill., alleging that the article had been shipped by the Wolinsky Brokerage Co., from Los Angeles, Calif., November 11, 1929, and transported from the State of California into the State of Illinois, 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 a filthy, putrid, and decomposed vegetable substance.

On February 27, 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.*

**17141. Adulteration and misbranding of butter. U. S. v. 87 Cases, et al., of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24628. I. S. Nos. 026932, 026933. S. No. 2818.)**

On or about January 16, 1930, the United States attorney for the Eastern District of Louisiana, 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 94 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Swift & Co., Montgomery, Ala., in part on or about November 26, 1929, and in part on or about December 4, 1929, and transported from the State of Alabama into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Belle Monte Butter \* \* \* Belle Meade Butter Co., Montgomery, Ala. Full Weight One Pound."

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

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statement "Full Weight One Pound," borne on the label, was false and misleading and deceived and misled the purchaser, and 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, since the quantity stated was not correct.

On February 19, 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.*

**17142. Adulteration and misbranding of canned tuna fish. U. S. v. 85 Cases and 5 cases of Canned Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24425. I. S. Nos. 019210, 019211. S. No. 2687.)**

On January 8, 1930, the United States attorney for the District of Oregon 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 85 cases containing 7-ounce cans, and 5 cases containing 13-ounce cans, of tuna fish, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Cohn Hopkins (Inc.), San Diego, Calif., on or about December 23, 1929, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "California Flakes Salad Tuna Packed by Cohn-Hopkins, Inc., \* \* \* San Diego, Calif., Contents 7 Oz." (or "Contents 13 Oz.").

Adulteration was alleged with respect to the 5 cases of the product, labeled "Contents 13 Oz.," for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Contents 7 Oz." or "Contents 13 Oz.," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.