

It was alleged in the libel that the article was misbranded in that the statements, "12 Lbs." or "6 Lbs." on the labels, were false and misleading and deceived and misled the purchaser, since the packages contained less than the weights indicated thereon. 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 packages, since the statements made thereon as to the weight of the contents were incorrect.

On April 21, 1930, no answer or claim having been filed, the case came on for final disposition. Judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold. The decree provided, however, that the said product might be released to the G. B. Smith Milling Co., Sherman, Tex., shipper, or the F. C. Winter Mercantile Co., Lake Charles, La., upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be repacked, under the supervision of this department, in compliance with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17514. Adulteration and misbranding of tomato catsup. U. S. v. 18 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24601. I. S. No. 037807. S. No. 2952.)

Samples of tomato catsup from the herein-described interstate shipment having been found to contain mold and undeclared artificial color, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Missouri.

On March 7, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cases of tomato catsup at Lebanon, Mo., alleging that the article had been shipped by the Rush Canning Co., from Bentonville, Ark., on or about October 22, 1929, and transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Packed by Mid-Mountain Fruit Company, Bentonville, Ark., Grown and packed in the Ozark Mountains * * * Mid-Mountain Brand."

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.

Misbranding was alleged for the reason that the designation "Tomato Catsup" on the labels, was false and misleading and deceived and misled the purchaser, when applied to an article containing artificial color.

On April 14, 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.*

17515. Misbranding of cottonseed meal. U. S. v. 160 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24637. I. S. No. 037808. S. No. 2992.)

Samples of the cottonseed meal from the herein-described interstate shipment having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On March 22, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 160 sacks of cottonseed meal, remaining in the original unbroken packages at Lebanon, Mo., alleging that the article had been shipped by the Southern Cotton Oil Co., Newport, Ark., on or about February 17, 1930, and had been transported from the State of Arkansas into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Chickasha Prime Cottonseed Cake or Meal * * * Guaranteed Analysis, Protein Not less than 43 Per Cent."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein not less than 43 Per Cent," was false and misleading and deceived and misled the purchaser.

The Chickasha Cotton Oil Co., Newport, Ark., appeared as claimant for the property and admitted the allegations of the libel and consented that judgment be entered for condemnation and forfeiture of the product. On April 2, 1930, a decree was entered by the court finding the product misbranded and order-

ing that it 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 should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17516. Misbranding of cottonseed cake. U. S. v. 300 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24641. I. S. No. 041318. S. No. 3003.)

Samples of cottonseed cake from the herein-described interstate shipment having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On March 26, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of cottonseed cake, remaining in the original unbroken packages at Plattsburg, Mo., alleging that the article had been shipped by the Cairo Meal & Cake Co., Cairo, Ill., on or about February 4, 1930, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Crude Protein, not less than 43 per cent * * * Cottonseed Meal."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein not less than 43 per cent," was false and misleading and deceived and misled the purchaser.

John Jackson, Plattsburg, Mo., appeared as claimant for the property and admitted the allegations of the libel and consented that judgment be entered for condemnation and forfeiture of the product. On April 2, 1930, a decree was entered by the court finding the product misbranded and ordering that it 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 should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17517. Adulteration of canned tuna. U. S. v. 75 Cases of Canned Tuna. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24439. I. S. No. 024985. S. No. 2702.)

Samples of tuna fish from the herein-described interstate shipment having been found to contain decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On January 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 75 cases of canned tuna, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Coast Fishing Co., from Los Angeles, Calif., on or about November 29, 1929, and transported from the State of California into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Coast Brand California Tuna * * * Packed by Coast Fishing Co., Inc., Los Angeles, Cal."

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.

On April 25, 1930, the Coast Fishing Co., Wilmington, 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 to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17518. Adulteration of canned tuna. U. S. v. 193 Cases of Canned Tuna. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24420. I. S. No. 019207. S. No. 2679.)

Samples of canned tuna from the herein-described interstate shipment having been found to contain decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On January 6, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation