

conditioned in part that it be relabeled, and that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18920. Misbranding of butter. U. S. v. 7 Cases, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 26762. I. S. Nos. 22280, 22281, 22282, 22283. S. No. 4822.)**

Sample packages of butter taken from two lots, which had been delivered to the common carrier at Seattle, Wash., for shipment to Alaska, having been found to contain less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On June 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 13 cases of butter, remaining in the original unbroken packages at Seattle, Wash., delivered for shipment by the Centralia Dairy Co., Centralia, Wash., June 4, 1931, alleging that the article was to have been shipped from Centralia, Wash., to Alaska, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "One Pound Net Weight \* \* \* Medo-Maid Butter." The remainder of the said article was labeled in part: "One Pound Net \* \* \* Sunset Gold Creamery Butter."

It was alleged in the libels that the article was misbranded in that the statements, "One Pound Net" and "One Pound Net Weight," appearing on the respective labels, were false and misleading, since the packages contained less than the quantity declared. 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 quantity stated on the said packages was incorrect.

On June 23, 1931, the Centralia Dairy Co., Centralia, Wash., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments were entered, which were amended on October 27, 1931, condemning and forfeiting the property and ordering that it be released to the said claimant upon payment of costs and the execution of bonds totaling \$200, conditioned in part that it be brought into conformity with the law under the supervision of this department and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18921. Adulteration and misbranding of cottonseed meal. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 26562. I. S. No. 18357.)**

Samples of cottonseed meal from the shipment herein described having been found to contain less protein and more fiber than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Georgia.

On August 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at Macon, Ga., alleging shipment by said company, under the name of Swift & Co., Oil Mill, in violation of the food and drugs act, on or about October 10, 1930, from the State of Georgia into the State of Kentucky, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: "'Pinta' Columbus Brand 41% Cottonseed Meal Made for Dan Joseph Co., Columbus, Ga. Guaranteed Analysis Protein 41.00 Per Cent, \* \* \* Fiber 10.00 Per Cent."

It was alleged in the information that the article was adulterated in that a substance, to wit, a cottonseed meal deficient in protein and containing excessive fiber, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "41% Cottonseed Meal \* \* \* Guaranteed Analysis Per Cent Protein 41.00 \* \* \* Fiber 10.00," borne on the tags attached to the stacks containing the article, were false and misleading in that they represented that the article contained not less than 41 per cent of protein and not more than 10 per cent of

fiber; 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 41 per cent of protein and not more than 10 per cent of fiber, whereas the article contained less than 41 per cent of protein and more than 10 per cent of fiber.

On October 24, 1931, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture*.

**18922. Adulteration of herring. U. S. v. 1 Box of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26726. I. S. No. 35680. S. No. 4878.)**

Samples of herring from the shipment herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one box of herring at Chicago, Ill., alleging that the article had been shipped by the Flieth Ehlers Mercantile Co., from Cornucopia, Wis., on or about June 19, 1931, and had been transported from the State of Wisconsin 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, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On October 12, 1931, 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*.

**18923. Adulteration of shell eggs. U. S. v. 32 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27158. I. S. No. 9898. S. No. 5125.)**

Inedible eggs, consisting of black rots, mixed rots, moldy eggs, spot rots, and blood rings, having been found in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Farmers Produce Co., from Lennox, S. Dak., on or about July 24, 1931, and had been transported from the State of South Dakota 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, decomposed, and putrid animal substance.

On October 12, 1931, 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*.

**18924. Adulteration of apples. U. S. v. 516 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27013. I. S. Nos. 40371, 44851. S. No. 5220.)**

Lead arsenate, the residue of an arsenical spray, having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about September 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 516 bushels of apples at Chicago, Ill., alleging that the article had been shipped by the American Fruit Growers (Inc.), from Cobden, Ill., to Milwaukee, Wis., and had been reshipped by the consignee from Milwaukee, Wis., to Chicago, Ill., on or about September 22, 1931, 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 contained an added poisonous or deleterious ingredient, to wit, lead arsenate.