

shipped by the Conger Cooperative Creamery Association from Conger, Minn., on or about November 28, 1931, and had been transported in interstate commerce from the State of Minnesota into the State of New Jersey, 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 by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

On December 17, 1931, the Conger Cooperative Creamery Association, Conger, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$900, conditioned in part that the said product be reworked so that it contain at least 80 per cent of butterfat, and should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19311. Adulteration of cabbage. U. S. v. 100 Hampers of Cabbage. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 27375. I. S. No. 37588. S. No. 5575.)**

Arsenic having been found on cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On December 14, 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 100 hampers of cabbage, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped on or about December 3, 1931, from Palmetto, Fla., by J. C. Courtney, and had been transported from the State of Florida into the State of Maryland, 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, arsenic, which might have rendered it harmful to health.

On December 19, 1931, by consent of the owner, 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.*

**19312. Adulteration of cabbage. U. S. v. 428 Hampers of Cabbage. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 27405. I. S. No. 37596. S. No. 5608.)**

Arsenic having been found on the cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On December 18, 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 428 hampers of cabbage, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the South Carolina Produce Association, from Legare, S. C., on or about December 12, 1931, and had been transported from the State of South Carolina into the State of Maryland, 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, arsenic, which might have rendered it harmful to health.

On December 22, 1931, by consent of the owner, 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.*

**19313. Misbranding of alfalfa leaf meal. U. S. v. Pecos Valley Alfalfa Mill Co. Plea of guilty. Fine, \$100. (F. & D. No. 26538. I. S. No. 10352.)**

Samples of alfalfa meal from the shipment herein described having been found to contain less protein than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Mexico.

On October 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Pecos

Valley Alfalfa Mill Co., a corporation, Hagerman, N. Mex., alleging shipment by said company, in violation of the food and drugs act, on or about October 2, 1930, from the State of New Mexico into the State of Illinois, of a quantity of alfalfa leaf meal that was misbranded. The article was labeled in part: (Tag) "Peevee Alfalfa Leaf Meal \* \* \* Made By Pecos Valley Alfalfa Mill Co. Hagerman, New Mexico Guaranteed Analysis Protein 20%."

It was alleged in the information that the article was misbranded in that the statement, to wit, "Guaranteed Analysis Protein 20%," borne on the tag attached to the sacks containing the article, was false and misleading in that the said statement represented that the article contained not less than 20 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 20 per cent of protein; whereas it contained less than 20 per cent of protein, to wit, approximately 18.38 per cent of protein.

On January 5, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19314. Misbranding of laying mash. U. S. v. Richard F. Owings & Thaddeus C. Owings (Owings Bros.). Pleas of guilty. Fines of \$100.** (F. & D. No. 26551. I. S. No. 18564.)

Samples of laying mash having been found to contain less protein and more crude fiber than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On August 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Richard F. Owings and Thaddeus C. Owings, copartners, trading as Owings Bros., York, Pa., alleging shipment by said defendants on or about February 2, 1931, in violation of the food and drugs act, from the State of Pennsylvania into the State of Maryland, of a quantity of laying mash that was misbranded. The article was labeled in part: (Sack) "June Bug Laying Mash \* \* \* Analysis Min. Protein 20%, \* \* \* Max. Fiber 8% \* \* \* Manufactured by Owings Bros. York, Pa."

It was alleged in the information that the article was misbranded in that the statements, "Analysis Min. Protein 20% \* \* \* Max. Fiber 8%," borne on the sacks, were false and misleading, since the said statements represented that the article contained not less than 20 per cent of protein, and not more than 8 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 20 per cent of protein and not more than 8 per cent of fiber; whereas it contained less protein and more fiber than so represented.

On October 19, 1931, the defendants entered pleas of guilty to the information, and the court imposed fines aggregating \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19315. Adulteration of butter. U. S. v. 10 Tubs, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 27848. I. S. No. 42706. S. No. 5650.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 18, 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 22 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Waucoma Creamery Co., Ridgeway, Iowa, on or about December 9, 1931, and had been 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 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 of milk fat as provided by the act of March 4, 1923.

The Lime Springs Creamery Co., Lime Springs, Iowa, interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reworked so that it contain at least 80 per cent of butterfat. On December 22, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the