

On December 1, 1932, 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 the district aforesaid an information against the Ray-Maling Co., a corporation, Hillsboro, Oreg., alleging shipment by said company in various consignments between the dates of October 7 and December 30, 1930, in violation of the Food and Drugs Act, from the State of Oregon into the States of Oklahoma, Colorado, Kansas, and Missouri, of quantities of canned prunes that were adulterated. The article was labeled, variously, in part: (Cans) "Sante Fe Brand Italian Prunes \* \* \* Packed for The Ranney-Davis Mercantile Co., Arkansas City, \* \* \* Kan. Enid, \* \* \* Okla."; "Bar-B-Q Brand Prunes \* \* \* Packed for the Jett & Wood Merc. Co. \* \* \* Lamar, Colo."; "Jordan Brand Italian Prunes \* \* \* Packed for The J. S. Brown Mercantile Co. \* \* \* Pueblo, \* \* \* Colorado"; "Raybrook Brand Fresh Prunes \* \* \* Packed by Ray-Maling Company, Inc., Kitchens, Hillsboro, Oregon, U. S. A."

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 1, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20458. Misbranding of chick feed. U. S. v. 80 Sacks of Chamberlain's Chick Feed. Decree of condemnation and destruction. (F. & D. no. 22823. I. S. no. 18932-X. S. no. 859.)**

This action involved a quantity of chick feed which was falsely represented to contain cod-liver oil.

On May 9, 1928, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 80 sacks of Chamberlain's chick feed, remaining in the original unbroken packages at Mayetta, Kans., alleging that the article had been shipped in interstate commerce on or about February 23, 1928, by the Ridenour-Baker Grocery Co., from Kansas City, Mo., to Mayetta, Kans., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chamberlain's Perfect Brand Chick Starter and Developing Feed \* \* \* Cod Liver Oil \* \* \* Manufactured by F. B. Chamberlain Co., St. Louis, Mo."

It was alleged in the libel that the article was misbranded in that its label represented that it was a perfect chick feed, and contained cod-liver oil; whereas it was not a perfect chick feed, since it consisted of a large percentage of seeds and dirt, and it contained no cod-liver oil.

On December 5, 1932, the case having come on for hearing upon the stipulation of the parties, a decree was entered finding that the misbranding charge, based on the claim that cod-liver oil was present in the article, was sustained, since the article contained no cod-liver oil. The court ordered that the remaining allegations of the libel be dismissed and that the product be condemned and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20459. Adulteration of butter. U. S. v. 27 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29223. Sample no. 25245-A.)**

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On October 15, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 16, 1932, by Nelson-Ricks Creamery from Rexburg, Idaho, to San Francisco, Calif., 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 percent of butterfat had been substituted for the said article.