

**22247. Adulteration of butter. U. S. v. 12 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32375. Sample no. 59738-A.)**

This case involved a shipment of butter which was found to contain filth.

On January 31, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 4, 1933, by George Freeses' Sons Co., from Fostoria, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From the George Freeses' Sons Co."

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 23, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22248. Adulteration of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32378. Sample no. 61946-A.)**

This case involved a shipment of butter which was found to contain mold, dirt, dust, and other extraneous matter.

On February 23, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about January 30, 1934, by the Kent Dairy Products Corporation, from West Plains, Mo., 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 whole or in part of a filthy, decomposed, and putrid animal substance.

On April 5, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22249. Adulteration of butter. U. S. v. 20 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32379. Sample no. 61947-A.)**

This case involved a shipment of butter which contained ants, parts of insects, human hairs, mold, and other extraneous matter.

On February 14, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 barrels of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 1, 1933, by the Lexington Creamery, from Lexington, Miss., 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 whole or in part of a filthy, decomposed, or putrid animal substance.

On April 5, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22250. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 32554. Sample no. 64402-A.)**

This case involved an interstate shipment of potatoes represented to be United States grade No. 1, but which were found to contain excessive grade defects.

On April 18, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Lafayette, Ind., alleging that the article had been shipped in interstate commerce on or about April 4, 1934, by Diercks & Son, from Custer, Wis.,

to Chicago, Ill., and subsequently re-consigned to Lafayette, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Wisc. Potatoes United States Grade No. 1 \* \* \* Diercks & Sons, Antigo, Wisconsin."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted in whole or in part for the article described on the label.

Misbranding was alleged for the reason that the statement on the label, "United States Grade No. 1", was false and misleading and tended to deceive and mislead the purchaser.

On April 23, 1934, Diercks, Huxtable & Baldwin, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22251. Misbranding of cottonseed meal. U. S. v. Andrew C. Dunklin, Wm. B. Dunklin, Laura F. Dunklin, Irby W. Dunklin, and Richard E. Lillard, a partnership trading as the Fort Smith Cotton Oil Co. Plea of guilty on behalf of partnership. Fine, \$150. (F. & D. no. 29483. I.S. nos. 47494, 47499, 50954.)**

This case was based on interstate shipments of three lots of cottonseed meal. Sample sacks taken from each of the lots were found to be short weight; one of the lots also was found to contain less than 43 percent of protein, the amount declared on the label.

On March 20, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Andrew C. Dunklin, Wm. B. Dunklin, Laura F. Dunklin, Irby W. Dunklin, and Richard E. Lillard, a partnership trading as Fort Smith Cotton Oil Co., Fort Smith, Ark., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about January 5, February 22, and March 4, 1932, from the State of Arkansas into the State of Kansas, of quantities of cottonseed meal which was misbranded. The article was labeled in part: "100 Lbs. net. Prime 43% Cotton Seed Meal (Guaranteed Analysis) Crude Protein, min. 43.00% \* \* \* Manufactured by Fort Smith Cotton Oil Co. Fort Smith, Arkansas."

It was alleged in the information that the article was misbranded in that the statement on the labels, "100 Lbs. net", with respect to all lots, and the statements "43% \* \* \* (Guaranteed Analysis) Crude Protein, min. 43.00%", with respect to one lot, were false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the sacks in all lots contained less than 100 pounds of the article, and the product in one of the lots contained less than 43 percent of protein.

On September 14, 1933, a plea of guilty was entered on behalf of the partnership, and the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22252. Adulteration of butter. U. S. v. 80 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered sold as inedible tallow. (F. & D. no. 31802. Sample no. 54473-A.)**

This case involved a shipment of butter which contained mold, ants, fragments of flies and feathers, pieces of bran, clumps of paper, human hair, and nondescript debris.

On December 29, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 80 tubs of butter at Washington, D. C., alleging that the article had been shipped by Swift & Co., from Muskogee, Okla., on or about July 10, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Cake Butter."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On May 23, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court