

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

that the product be sold by the United States marshal, provided that it first be converted into inedible tallow.

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

22253. Adulteration of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered sold as inedible tallow. (F. & D. no. 31813-B. Sample no. 54474-A.)

This case involved a shipment of butter which contained mold, rodent hairs, fragments of flies, cow hairs, metal filings, wood splinters, and nondescript debris.

On January 5, 1934, 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 10 tubs of butter at Washington, D. C., alleging that the article was in the possession of the Terminal Refrigerating & Warehousing Corporation, stored for Mrs. C. R. Greer, Washington, D. C., and was being offered for sale in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Jacob Beachy Aurora, West Virginia."

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 21, 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 sold by the United States marshal, provided that it first be converted into inedible tallow.

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

22254. Adulteration of boneless herring. U. S. v. 1,248 Boxes of Smoked Boneless Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31745. Sample no. 54738-A.)

This case involved a shipment of boneless herring which was found to be moldy.

On December 18, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,248 boxes of smoked boneless herring at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 6, 1933, from Eastport, Maine, by McLaughlin Bros., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Boneless Digby Chick * * * McLaughlin Bros. Seal Cove NB Canada."

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

On April 9, 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.*

22255. Misbranding of potatoes. U. S. v. Reedsburg Supply Co. Plea of guilty. Fine, \$10. (F. & D. no. 29462. I.S. no. 53117.)

This case was based on an interstate shipment of potatoes represented to be United States grade No. 1, but which were below the grade specified, having been found to average about 40 percent grade defects consisting mostly of deep scab, shattered and growth cracks.

On March 28, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Reedsburg Supply Co., a corporation, Reedsburg, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 3, 1932, from the State of Wisconsin into the State of Illinois, of a quantity of potatoes which were misbranded. The article was labeled in part: (Tag) "United States Grade No. 1."

It was alleged in the information that the article was misbranded in that the statement "United States Grade No. 1", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the potatoes were not United States Grade No. 1.

On December 6, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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