

15381. Adulteration and misbranding of cottonseed meal. U. S. v. 30 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21498. I. S. No. 13604-x. S. N. E-5919.)

On or about January 3, 1927, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of cottonseed meal, remaining in the original unbroken packages at Miami, Fla., alleging that the article had been shipped by the Empire Cotton Oil Mills, from Valdosta, Ga., on or about November 2, 1926, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. * * * Second Class Cottonseed Meal * * * Guaranteed Analysis Ammonia * * * 7.00%."

Adulteration of the article was alleged in the libel for the reason that a substance, cottonseed feed which contained less than 7 per cent ammonia, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Ammonia * * * 7.00%," borne on the label, was false and misleading and deceived and misled the purchaser.

On March 26, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the 9 sacks of the product actually seized be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture*

15382. Adulteration of butter. U. S. v. 10 Boxes of Butter. Product reworked and ordered released. (F. & D. No. 21274. I. S. No. 11031. S. No. W-2002.)

On or about August 3, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Farmers Union Cooperative Creamery, from Billings, Mont., on or about July 15, 1926, and transported from the State of Montana into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sweet Grass Creamery, Big Timber, Mont."

It was alleged in the libel that the article was adulterated, in that a product deficient in milk fat had been substituted wholly or in part for butter, and in that a valuable constituent, namely, milk fat, had been partially abstracted from the said article.

On September 30, 1926, the Sweet Grass County Creamery and J. H. Troy, Big Timber, Mont., having appeared as claimants for the property, and the court having found that the product had been reworked and made to conform with the requirements of the law, a decree was entered ordering that it be released to the said claimants upon payment of the costs of the proceedings, and that the bond theretofore filed be exonerated.

R. W. DUNLAP, *Acting Secretary of Agriculture*

15383. Adulteration of butter. U. S. v. 51 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21162. I. S. No. 5541-x. S. No. E-5781.)

On June 24, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 51 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 5, 1926, alleging that the article had been shipped by the Miles Friedman Co., Chicago, Ill., and transported from the State of Illinois into the State of Massachusetts, 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 was deficient in butterfat.

On July 13, 1926, the Miles Friedman Co., Chicago, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that it be reconditioned to contain at least 80 per cent of butterfat, and be relabeled to show the true quantity of the contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15384. Adulteration and misbranding of butter. U. S. v. 20 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21999. I. S. No. 16467-x. S. No. 23.)

On July 13, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 29, 1927, alleging that the article had been shipped by the David Cole Creamery Co., Omaha, Nebr., and transported from the State of Nebraska into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated, in that it was deficient in butterfat.

Misbranding was alleged for the 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 package, in that the statement made was incorrect.

On July 29, 1927, the David Cole Creamery Co., Omaha, Nebr., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of \$500 in lieu of bond, conditioned that the butter be reconditioned under the supervision of this department so that it contain at least 80 per cent of butterfat and the containers relabeled to show the true quantity of the contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15385. Misbranding of red oats. U. S. v. 300 Sacks of Red Oats. Decree of condemnation entered. Product released under bond. (F. & D. No. 21936. I. S. No. 15884-x. S. No. C-5471.)

On May 25, 1927, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of red oats, at North Little Rock, Ark., alleging that the article had been shipped by the Marshall Mill & Elevator Co., from Marshall, Texas, on or about May 9, 1927, and transported from the State of Texas into the State of Arkansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "159 net," and was invoiced as "No. 2 Red Oats."

It was alleged in the libel that the article was misbranded, in that the statement "159 net" was false and misleading and deceived and misled the purchaser. 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 package, since the quantity stated was not correct.

On May 25, 1927, the Hayes Grain & Commission Co., Little Rock, Ark., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, and it was further ordered by the court that the said product be reconditioned by adding sufficient pounds of the article to each sack to bring it up to the declared weight.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15386. Adulteration and misbranding of preserves. U. S. v. 52 Cases of Preserves. Products ordered released under bond to be relabeled. (F. & D. No. 21962. I. S. Nos. 13028-x to 13033-x, incl. S. No. W-2162.)

On June 23, 1927, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure