

16605. Misbranding of tankage. U. S. v. 400 Bags, et al., of Bon-O-Fat Tankage. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 23135, 23136, 23137. I. S. Nos. 18935-x, 18937-x, 18938-x. S. Nos. 983, 984, 985.)

On or about June 13, 1929, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district libels praying seizure and condemnation of eight hundred 100-pound bags, and 20 tons of 100-pound bags of so-called Bon-O-Fat tankage, remaining in the unbroken packages in various lots at Clay Center, Cuba, and Cawker City, Kans., respectively, alleging that the article had been sold by the Pan American Feed Co., Kansas City, Mo., to various firms at Clay Center, Cuba, and Cawker City, Kans., and had been transported in interstate commerce from the State of Missouri into the State of Kansas, in various consignments, on or about May 3, May 8, and May 15, 1928, respectively, and charging misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was misbranded in that the label on the said bags was calculated to deceive and mislead the purchaser to believe that he was purchasing a product, to wit, tankage, which is a kind of flesh meal prepared from the refuse, meat, entrails, and other offal that accumulate in slaughterhouses where animals are slaughtered for food, whereas the product contained in said bags was not such tankage but was in whole or in part a product of a different nature, obtained from other sources and was not tankage as above defined.

On June 14, 1929, the Pan American Feed Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of decrees, judgments were entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,500, conditioned in part that it be rebranded to show its true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16606. Adulteration and misbranding of mixed feed. U. S. v. 80 Bags of Mixed Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22966. I. S. No. 02378. S. No. 1040.)

On August 8, 1928, the United States attorney for the Middle District of North Carolina, 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 80 bags of mixed feed at Winston-Salem, N. C., alleging that the article had been shipped by the Carolina Milling Co., from Dillon, S. C., on or about June 21, 1928, and transported from the State of South Carolina into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "C. M. Horse and Mule Feed Manufactured by Carolina Milling Company, Inc., Dillon, South Carolina, Guaranteed Analysis: Protein 10 per cent, Fat 2½ per cent."

It was alleged in the libel that the article was adulterated in that a substance deficient in protein and fat and containing excessive fiber, 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 label bore the statements "Guaranteed Analysis Protein 10 Per Cent, Fat 2½ Per Cent," which were false and misleading and deceived and misled the purchaser, since the product contained less protein and fat than so represented.

On October 29, 1928, the Carolina Milling Co., Dillon, S. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant to be relabeled and returned to the factory for remixing under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*