

be entered for the condemnation and forfeiture of the product, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of until reworked as directed and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17328. Adulteration of apples. U. S. v. 756 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24408. I. S. No. 029535. S. No. 2672.)

On December 31, 1929, the United States attorney for the Middle District of Tennessee, 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 756 boxes of apples at Nashville, Tenn., alleging that the article had been shipped by the A. E. Marsh Co., from Yakima, Wash., on or about November 29, 1929, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Marsh Northwest Apples Trade Mark A. G. All Good. * * * Fancy Delicious."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, viz, arsenic and lead, which might have rendered it injurious to health.

On January 10, 1930, the C. B. Ragland Co., Nashville, Tenn., having appeared as claimant for the property and having admitted the allegation 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 costs and the execution of a bond in the sum of \$250, conditioned in part that the arsenic and lead be removed to make the product comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17329. Adulteration of canned blueberries. U. S. v. 997 Cases of Canned Blueberries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24537. I. S. Nos. 026172, 034107. S. No. 2828.)

On or about February 20, 1930, the United States attorney for the Northern District of Illinois, 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 997 cases of canned blueberries at Chicago, Ill., alleging that the article had been shipped by A. L. Stewart & Sons, from Cherryfield, Me., on August 29, 1929, and transported from the State of Maine into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Stewart's Blueberries * * * Packed by A. L. Stewart and Sons, Cherryfield, Maine."

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

On April 30, 1930, H. B. Salmon & Co., 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 said claimant upon payment of costs and the execution of a bond in the sum of \$8,000, conditioned in part that it be reprocessed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17330. Adulteration and misbranding of cottonseed meal. U. S. v. Planters Oil Co. Pleas of nolo contendere. Fines, \$350. (F. & D. Nos. 22590, 23760. I. S. Nos. 8607-x, 14633-x, 18503-x, 18505-x, 22202-v, 02259, 02260, 02294, 05590, 05591, 05594, 05596.)

On March 20, 1929, and December 18, 1929, respectively, the United States attorney for the Middle District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Planters Oil Co., a corporation, Albany, Ga., alleging shipment by said company in violation of the food and drugs act, in various consignments, on or about September 9 and October 3, 1927, from the State of Georgia into the State of Massachusetts; on or about October 4, 1927, from the State of Georgia into the States of Maine and Rhode Island; on or about October 7, 1927, September 28, 1928, and

January 31, February 13, and February 15, 1929, from the State of Georgia into the State of Florida; and on or about October 15, 1928, from the State of Georgia into the State of Alabama, of quantities of cottonseed meal which was adulterated and misbranded. The article was labeled in part, variously: "Second Class Cotton Seed Meal Manufactured by Planters Oil Co., Albany, Ga. Analysis [or "Guaranteed Analysis"] Ammonia (Actual & Potential) 7.00% (Equivalent to Protein 36.00%);" "Standard Cotton Seed Meal Guaranteed Analysis Ammonia 7.00% Protein 36.00% * * * Fibre 14.00% * * * Manufactured by Planters Oil Co., Albany, Ga.;" "Choice-Prime 'Dixie Brand' * * * Guaranteed Analysis Min. Protein 41.12;" "Nina Columbus Brand Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 36.00 * * * Fibre (maximum) 14.00%."

It was alleged in substance in the informations that the article was adulterated in that certain substances had been substituted for cottonseed meal, labeled as above, which the said articles purported to be, namely, a cottonseed meal containing less than 41.12 per cent of protein had been substituted for the said Dixie brand cottonseed meal; a cottonseed feed containing less than 7 per cent of ammonia—the equivalent of 36 per cent of protein—had been substituted for the said second-class cottonseed meal; a cottonseed feed containing less than 36 per cent of protein and less than 7 per cent of ammonia and more than 14 per cent of fiber had been substituted for the said standard cottonseed meal; and a cottonseed feed containing less than 36 per cent of protein and more than 14 per cent of fiber, had been substituted for the said Nina Columbus brand cottonseed meal.

Misbranding was alleged in substance for the reason that the statements, to wit, "Guaranteed Analysis Min. Protein 41.12%," "Cotton Seed Meal * * * Guaranteed Analysis Ammonia (actual & Potential) 7.00% (Equivalent to Protein 36.00%)," "Cotton Seed Meal * * * Analysis Ammonia (Actual & Potential) 7.00% (Equivalent to Protein 36.00%)," "Standard Cotton Seed Meal Guaranteed Analysis Ammonia 7.00% * * * Protein 36.00%, Fibre 14.00%," and "Cotton Seed Meal * * * Guaranteed Analysis Protein (Minimum) 36% * * * Fibre (maximum) 14.00%," borne on the tags attached to the sacks containing the respective lots of the said article, were false and misleading in that the said statements represented that the article was cottonseed meal containing the amount of protein and ammonia declared on the label, and with respect to a portion of the article not more than 14 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed meal containing the amount of protein and ammonia declared on the label and that a portion of the article contained not more than 14 per cent of fiber, whereas the said Dixie brand was a cottonseed meal containing less than 41.12 per cent of protein, and the remainder of the article was not cottonseed meal, but was a cottonseed feed containing less protein and ammonia than declared, and the said standard meal and Nina Columbus brand meal contained more than 14 per cent fiber. Misbranding was alleged with respect to the products, with the exception of the Dixie brand, for the further reason that it was offered for sale under the distinctive name of another article, to wit, cottonseed meal.

On April 10, 1930, a plea of nolo contendere to each information was entered on behalf of the defendant company, and the court imposed fines totaling \$350.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17331. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24810. I. S. No. 036389. S. No. 3152.)

On or about May 20, 1930, the United States attorney for the Northern District of Illinois, 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 27 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Spearfish Creamery Cooperative, from St. Onge, S. Dak., April 29, 1930, and transported from the State of South Dakota into the State of Illinois, 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 substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason