

17342. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond (F. & D. No. 24222. I. S. No. 635435. S. No. 5049.)

On or about March 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 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Swift & Co., from Creston, Iowa, March 10, 1930, and transported from the State of Iowa 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 that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

On April 30, 1930, the G. H. Hammond Co., 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 said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17343. Misbranding of alfalfa meal. U. S. v. The Lamar Alfalfa Milling Co. Plea of guilty. Fine, \$80. (F. & D. No. 23751. I. S. Nos. 0923, 014248, 014249, 014250.)

On August 29, 1929, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lamar Alfalfa Milling Co., a corporation, Lamar, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about December 13, December 15, and December 24, 1928, respectively, from the State of Colorado into the State of Texas, and on or about February 9, 1929, from the State of Colorado into the State of Louisiana, of quantities of alfalfa meal which was misbranded. A portion of the article was labeled in part: "100 Pounds (Net) Alfalfa Meal Manufactured by Lamar Alfalfa Milling Company, Lamar, Colorado." The remainder of the said article was labeled in part: "Alfalfa Meal 100 Lbs. Net When Packed Made by The Lamar Alfalfa Milling Co. Lamar, Colorado."

It was alleged in the information that the article was misbranded in that the statements, to wit, "100 Pounds (Net)" and "100 Lbs. Net when packed," borne on the tags attached to the sacks containing the article, were false and misleading in that the said statements represented that the sacks each contained 100 pounds net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the sacks each contained 100 pounds net of the said article, whereas they did not, but did contain, in each of a number of said sacks, less than 100 pounds net of the article. 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 each of a number of the sacks contained less than represented.

On January 13, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17344. Adulteration and misbranding of canned tomatoes. U. S. v. 1097 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24208. I. S. Nos. 017076, 017077. S. No. 2433.)

On November 4, 1929, 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 aforesaid, holding a District Court, a libel praying seizure and condemnation of 1,097 cases of canned tomatoes, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by W. H. Sanford, from Kinsale, Va., in two consignments, on or about August 21, 1929, and August 23, 1929, respectively, and transported from

the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Southern Leader Brand Tomatoes Packed by W. H. Sanford, Tucker Hill, Va. [cut of red ripe tomatoes]."

It was alleged in the libel that the article was adulterated in that added water had been mixed and packed therewith so as to reduce and lower its quality, and had been substituted in part for canned tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On December 10, 1929, W. H. Sanford, Tucker Hill, Va., 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 \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17345. Adulteration and misbranding of canned tomatoes. U. S. v. 823 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24187. I. S. No. 017075. S. No. 2426.)

On October 29, 1929, the United States attorney for the District of Columbia, 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 823 cases of canned tomatoes, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by E. Fallin & Bro., from Coan, Va., on or about September 21, 1929, and transported from the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Coan Brand Tomatoes Packed by E. Fallin & Bro., Coan Va. [cut of red ripe tomato]."

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the designation "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, tomatoes.

On November 5, 1929, Eugene Fallin, manager of E. Fallin & Bro., Coan, Va., 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 \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17346. Adulteration of butter. U. S. v. 6 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24794. I. S. No. 023405. S. No. 3103.)

On or about April 24, 1930, the United States attorney for the Western District of Washington, 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 6 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Worden Creamery Co., Worden, Mont., on or about April 15, 1930, and transported from the State of Montana into the State of Washington, 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 product containing less than 80 per cent of milk fat had been substituted for butter.

On April 25, 1930, the Worden Creamery, Worden, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a