

the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled so that it comply with the requirements of the Federal food and drugs act and all laws relating thereto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17360. Misbranding of flour. U. S. v. 370 Sacks, et al., of flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24702. I. S. Nos. 029996, 029997. S. No. 3036.)

On April 2, 1930, the United States attorney for the Western District of Louisiana, 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 three hundred and seventy 24-pound sacks and two hundred and ninety-five 48-pound sacks of flour, remaining in the original unbroken packages at Lake Arthur, La., alleging that the article had been shipped by the Wichita Mill & Elevator Co., Wichita Falls, Tex., on or about March 13, 1930, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Wichita Mill and Elevator Co. Baker's Pride * * * Wichita Falls, Texas. Bleached 24 Pounds [or "48 pounds"]."

It was alleged in the libel that the article was misbranded in that the statements "24 pounds" and "48 pounds," borne on the labels of the respective sized sacks, were false and misleading and deceived and misled the purchaser, since the said sacks contained less than the weight indicated thereon. 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 packages since the statements as to weight were incorrect.

On April 21, 1930, the Wichita Mill & Elevator Co., Wichita Falls, Tex., 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be repacked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17361. Misbranding of cottonseed screenings. U. S. v. 320 Sacks of Cottonseed Screenings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24168. I. S. No. 020463. S. No. 2396.)

On or about October 19, 1929, the United States attorney for the District of Kansas, 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 320 sacks of cottonseed screenings, remaining in the original unbroken packages at Riley, Kans., alleging that the article had been shipped by the Humphreys Godwin Co., from Commerce, Tex., on or about October 10, 1929, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Bull Brand Cottonseed Meal Analysis Protein 43% Made from Pressed Cottonseed for Humphreys Godwin Company, Memphis, Tenn., Dallas, Tex."

It was alleged in the libel that the article was misbranded in that the statement, "Protein 43%," was false and misleading and deceived and misled the purchaser to believe that the article contained not less than 43 per cent of protein, whereas it contained less than 43 per cent of protein. 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.

On November 18, 1929, the Commerce Oil Mill Co. (Inc.), Commerce, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation 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 \$500, conditioned in part that it be relabeled to show the true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*