

17449. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23315. I. S. No. 05401. S. No. 1440.)

Samples of cottonseed meal from the shipment herein described having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On January 10, 1929, the United States attorney filed in the United States District Court for said district a libel praying seizure and condemnation of 500 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by E. T. Allen & Co., from Hollandale, Miss., on December 20, 1928, and had been transported from the State of Mississippi into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Atlas Standard Cottonseed Meal, Manufactured for E. T. Allen Co., Dealer, Atlanta, Ga. Guaranteed Analysis Protein not less than 36 per cent."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein not less than 36 per cent," was false and misleading and deceived and misled the purchaser.

On February 4, 1929, the Black Rock Milling Corporation, Black Rock, N. Y., having appeared as claimant for the property 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. The decree further provided that if the product be sold that it be relabeled as containing not less than 33½ per cent of protein.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17450. Adulteration of apples. U. S. v. 756 Boxes of Apples. Default decree of forfeiture and destruction entered. (F. & D. No. 24170. I. S. No. 020349. S. No. 2395.)

Samples of apples from the following described shipment having been found to contain lead arsenate the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Arkansas.

On October 23, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 756 boxes of apples, alleging that the article had been shipped by the Wenatchee Produce Co., Wenatchee, Wash., on September 21, 1929, and transported from the State of Washington into the State of Arkansas, that it remained in the original unbroken packages at Texarkana, Ark., and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "Rose Brand Apples Delicious * * * Wenatchee Produce Co., Wenatchee, Washn. Grown by Victor McMullen, Wenatchee."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, lead arsenate, which might have rendered it injurious to health.

On April 14, 1930, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*