

It was alleged in the libel that the article was misbranded in that the statements, "12 Lbs." or "6 Lbs." on the labels, were false and misleading and deceived and misled the purchaser, since the packages contained less than the weights 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 made thereon as to the weight of the contents were incorrect.

On April 21, 1930, no answer or claim having been filed, the case came on for final disposition. Judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold. The decree provided, however, that the said product might be released to the G. B. Smith Milling Co., Sherman, Tex., shipper, or the F. C. Winter Mercantile Co., Lake Charles, La., upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be repacked, under the supervision of this department, in compliance with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17514. Adulteration and misbranding of tomato catsup. U. S. v. 18 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24601. I. S. No. 037807. S. No. 2952.)

Samples of tomato catsup from the herein-described interstate shipment having been found to contain mold and undeclared artificial color, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Missouri.

On March 7, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cases of tomato catsup at Lebanon, Mo., alleging that the article had been shipped by the Rush Canning Co., from Bentonville, Ark., on or about October 22, 1929, and transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Packed by Mid-Mountain Fruit Company, Bentonville, Ark., Grown and packed in the Ozark Mountains * * * Mid-Mountain Brand."

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

Misbranding was alleged for the reason that the designation "Tomato Catsup" on the labels, was false and misleading and deceived and misled the purchaser, when applied to an article containing artificial color.

On April 14, 1930, no claimant having appeared for the property, judgment of condemnation and 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.*

17515. Misbranding of cottonseed meal. U. S. v. 160 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24637. I. S. No. 037808. S. No. 2992.)

Samples of the cottonseed meal from the herein-described interstate shipment 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 Missouri.

On March 22, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 160 sacks of cottonseed meal, remaining in the original unbroken packages at Lebanon, Mo., alleging that the article had been shipped by the Southern Cotton Oil Co., Newport, Ark., on or about February 17, 1930, and had been transported from the State of Arkansas into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Chickasha Prime Cottonseed Cake or Meal * * * Guaranteed Analysis, Protein Not less than 43 Per Cent."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein not less than 43 Per Cent," was false and misleading and deceived and misled the purchaser.

The Chickasha Cotton Oil Co., Newport, Ark., appeared as claimant for the property and admitted the allegations of the libel and consented that judgment be entered for condemnation and forfeiture of the product. On April 2, 1930, a decree was entered by the court finding the product misbranded and order-