

17543. Adulteration of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24651. I. S. No. 029025. S. No. 2984.)

Samples of butter from the herein described interstate shipment having been found to be rancid, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On March 25, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 tubs of butter at Newark, N. J., alleging that the article had been transported on or about July 27, 1929, by the truck of De Bow & Co., Newark, N. J., from the premises of Fred D. Oetjen, New York, N. Y., in interstate commerce to Newark, N. J., and charging adulteration in violation of the food and drugs act.

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

On July 16, 1930, Fred D. Oetjen, New York, N. Y., claimant, having admitted the allegation 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 \$300, conditioned in part that it be renovated so that it comply with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17544. Adulteration of canned salmon. U. S. v. 401 Cases of Canned Salmon. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to fish hatcheries. (F. & D. No. 24707. I. S. No. 023226. S. No. 3047.)

Samples of canned salmon from the herein described shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On April 4, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 401 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Crosby Fisheries (Inc.), from Ketchikan, Alaska, on or about September 23, 1929, and had been transported from Alaska 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 it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 10, 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 or delivered to the State Fisheries Department for use as fish food.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17545. Misbranding of butter. U. S. v. 275 Cases of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24997. I. S. No. 2276. S. No. 3289.)

Samples of butter from the herein described interstate shipment having been found short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York. On or about July 19, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 275 cases of creamery butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Kurtin & Kurtin, as agents for the J. A. Long Co., Portland, Ind., from Jersey City, N. J., on or about July 15, 1930, and had been transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Creamery Butter * * * One Pound Net * * * J. A. Long Co., * * * Portland, Indiana."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive or mislead the purchaser by a false and misleading statement, namely, "One Pound Net." Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On August 8, 1930, the J. A. Long Co., Portland, Ind., 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 \$4,500, or the deposit of cash collateral in like amount, conditioned in part that it be repacked in tubs and labeled with a correct statement of the quantity of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17546. Adulteration and misbranding of oat middlings. U. S. v. 500 Sacks and 540 Sacks of Alpine Oat Middlings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24833. I. S. Nos. 037907, 037908. S. No. 3167.)

Samples of feed labeled as oat middlings from the herein described shipment having been found to contain ground oat hulls and less protein and more crude fiber than declared on the label, and in a certain portion less fat than so declared, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On June 11, 1930, the said United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 1,040 sacks of alleged oat shorts, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Sheffield Elevator Co., from Milwaukee, Wis., on or about May 26, 1930, and had been transported from the State of Wisconsin into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Alpine Oat Middlings By-Product of Oatmeal Mill. Guaranteed Analysis Protein 14%, Fat 4%, Fibre not over 9%. Contains oat middlings, oat shorts and a very small percentage of oat hulls." A portion of the said article was further labeled: "Manufactured by Sheffield Elevator Co., Minneapolis, Minn."

It was alleged in the libel that the article was adulterated in that a substance, oat hulls, had been mixed and packed with and substituted in part for oat middlings, which the said article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Guaranteed Analysis Protein 14%, * * * Fibre not over 9%," with respect to a portion of the product, borne on the label, were false and misleading and deceived and misled the purchaser, when applied to an article deficient in protein and containing a larger percentage of fibre than stated, and the statements, "Guaranteed Analysis Protein 14% Fat 4% Fibre not over 9%," with respect to the remainder of the product, were false and misleading and deceived and misled the purchaser when applied to an article deficient in protein and fat, and which contained excessive fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 31, 1930, E. J. Quinn, 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 \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17547. Adulteration and misbranding of cottonseed meal. U. S. v. 360 Bags of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24579. I. S. No. 012421. S. No. 2908.)

Samples of the product labeled as cottonseed meal from the herein described interstate shipment having been found to be cottonseed feed containing less protein and fat and more fiber than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 3, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 360 bags of cottonseed meal, remaining in the original unbroken packages at Cumberland, Md., alleging that the article had been shipped by the F. W. Brod  Corporation, Memphis, Tenn., from Decatur, Ala., on or about January 10, 1930, and had been transported from the State of Alabama into the State of Maryland, and charging adulteration and misbranding in violation of