

by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

On November 29, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17724. Adulteration of canned blueberries. U. S. v. 34½ Cases of Canned Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25246. I. S. No. 3189. S. No. 3537.)**

Samples of canned blueberries from the herein described interstate shipment having been found to contain maggot-infested fruit, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On October 31, 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 34½ cases of canned blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by G. M. Allen & Sons (Inc.), from Sargentville, Me., on or about September 25, 1930, and had been transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Matchless Brand Blueberries, Webster-Thomas Co., Boston and Gardner, Mass., Distributors."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On November 24, 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.*

**17725. Adulteration and misbranding of dairy feed. U. S. v. 300 Sacks of Dairy Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25194. I. S. No. 18553. S. No. 3461.)**

Samples of dairy feed from the herein described interstate shipment having been found to contain undeclared calcium carbonate (ground limestone) and less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On October 8, 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 300 sacks of dairy feed, remaining in the original unbroken packages at Cumberland, Md., alleging that the article had been shipped by the Kentucky Feed & Grain Co. (Inc.), from Louisville, Ky., on or about September 3, 1930, and had been transported from the State of Kentucky into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Marshall's 24% Dairy Feed, Made by Kentucky Feed & Grain Co., Incorporated, Louisville, Kentucky. Guaranteed Analysis: Protein 24.00 Per Cent \* \* \* Made from: Corn Gluten Meal, Linseed Meal, Cottonseed Meal, Corn Gluten Feed, Alfalfa Meal, Wheat Bran, Corn Feed Meal, Wheat Middlings, Rice Bran 10%, Cane Molasses, Salt ½%."

It was alleged in the libel that the article was adulterated in that a substance deficient in protein and containing calcium carbonate had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements on the label, "24% Dairy Feed, Guaranteed Analysis: Protein 24.00 Per Cent, Made from Corn Gluten Meal, Linseed Meal, Cottonseed Meal, Corn Gluten Feed, Alfalfa Meal, Wheat Bran, Corn Feed Meal, Wheat Middlings, Rice Bran 10%, Cane Molasses, Salt ½%," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 20, 1930, the Kentucky Feed & Grain Co. (Inc.), Louisville, Ky., having appeared as claimant for the property, 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 \$1,200, conditioned in part that it be relabeled to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*