

**17815. Adulteration of shell eggs. U. S. v. 5 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 24987. I. S. No. 6521. S. No. 3314.)

Examination of shell eggs from the herein-described interstate shipment having shown that a large portion were decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 23, 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 five cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by C. H. Wells, from Briscoe, Mo., July 19, 1930, and had been transported from the State of Missouri into the State of Illinois, 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 part of a filthy, decomposed, and putrid animal substance.

On October 8, 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.*

**17816. Misbranding of cottonseed meal. U. S. v. 322 Sacks of Cottonseed Meal. Consent decree ordering product released under bond to be relabeled.** (F. & D. No. 24375. I. S. No. 013306. S. No. 2628.)

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

On December 18, 1929, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 322 sacks of cottonseed meal, remaining in the original unbroken packages at Benson, Minn., alleging that the article had been shipped by the Temple Cotton Oil Co., from Hope, Ark., on or about September 21, 1929, and transported from the State of Arkansas into the State of Minnesota and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "High Grade Cotton Seed Meal Guaranteed Analysis Protein \* \* \* 43 per cent \* \* \* Temple Cotton Oil Company, Hope, Arkansas."

It was alleged in the libel that the article was misbranded in that the statement on the tag label, "Guaranteed Analysis Protein 43 Per Cent," was false and misleading and deceived and misled the purchaser.

On January 20, 1930, the Temple Cotton Oil Co., Hope, Ark., claimant, having consented to the forfeiture and condemnation of the property, a decree was entered ordering 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 relabeled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17817. Misbranding of cottonseed meal and cake. U. S. v. Graco Milling Co. Plea of guilty. Fine. \$450 and costs.** (F. & D. No. 25021. I. S. Nos. 030752, 030754, 030762, 033606, 033607, 033610, 033611, 037804.)

Samples of cottonseed meal and cake from the herein-described interstate shipments having been found to contain less protein than declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Illinois.

On August 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Graco Milling Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the food and drugs act, between the dates of February 4, 1930, and February 11, 1930, from the State of Illinois, in various lots, into the States of Wisconsin, Iowa, Montana, Missouri, and Nebraska, of quantities of cottonseed meal and cottonseed cake which were misbranded. The article was labeled in part: (Tag) "Guaranteed Analysis Protein, not less than 43%."

It was alleged in the information that the article was misbranded in that the statement, to wit, "Guaranteed Analysis Protein, not less than 43%," borne on the tags attached to the sacks containing the article, was false and misleading in that the said statement represented that the article contained not

less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein; whereas it contained less than 43 per cent of protein, the nine separate lots containing 41.01, 40.94, 40.56, 41.63, 40.65, 41.44, 39.74, 41.32, and 41.50 per cent, respectively, of protein.

On October 22, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$450 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17818. Adulteration of canned sardines. U. S. v. 92 Cases, et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25064, 25065. I. S. No. 19776. S. No. 3351.)**

Samples of canned sardines from the herein-described interstate shipment having been found to contain decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On August 26, 1930, the United States attorney filed in the United States District Court libels praying seizure and condemnation of 127 cases, each containing 100 cans of sardines, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by the R. J. Peacock Canning Co., from Lubec, Me., on or about June 23, 1930, and had been transported from the State of Maine into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Admiral Brand American Sardines \* \* \* Packed by R. J. Peacock Canning Co., Lubec, Maine."

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

On October 20, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17819. Misbranding of cottonseed meal. U. S. v. 87 Sacks of Cottonseed Meal. Decree of condemnation. Product released under bond. (F. & D. No. 25251. I. S. No. 8828. S. No. 3549.)**

Samples of cottonseed meal from the herein-described 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 New York.

On October 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 87 sacks of cottonseed meal, remaining in the original unbroken packages at Darien Center, N. Y., alleging that the article had been shipped by the International Vegetable Oil Co., Augusta, Ga., September 15, 1930, and transported from the State of Georgia into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Meal, Guaranteed by Humphreys-Godwin Co., Memphis, Tenn. Guaranteed Analysis \* \* \* Protein 41.12."

It was alleged in the libel that the article was misbranded in that the statement "Protein 41.12," borne on the label, was false and misleading and deceived and misled the purchaser.

On December 12, 1930, the Ames, Burns Co., having appeared as claimant for the property, 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 \$400, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17820. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Default decree of destruction entered. (F. & D. No. 25271. I. S. No. 8299. S. No. 3471.)**

A large part of the eggs from the herein-described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On September 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cases of eggs, remaining in the original unbroken packages