

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

at Hastings, Minn., alleging that the article had been shipped by Lyle Randall, from River Falls, Wis., in two consignments, on or about September 8 and September 9, 1930, and had been transported from the State of Wisconsin into the State of Minnesota, 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 December 9, 1930, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17821. Adulteration of butter. U. S. v. 13 Boxes of Butter. Product released under bond to be reworked. (F. & D. No. 25277. I. S. No. 13405. S. No. 3510.)

Samples of butter from the herein-described interstate shipment having been found to contain less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On October 9, 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 13 boxes of butter, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Milk River Creamery Co., from Chinook, Mont., on or about September 20, 1930, and transported from the State of Montana into the State of Minnesota, 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 contained less than 80 per cent of fat, the legal minimum standard.

On October 14, 1930, the Minnesota Creamery Co., St. Paul, Minn., 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 \$600, conditioned in part that it be reworked so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17822. Adulteration and misbranding of jellies. U. S. v. The C. Von Allmen Preserving Co. Plea of guilty. Fine, \$300. (F. & D. No. 23761. I. S. Nos. 01687, 01688, 01768, 01769, 05351, 05352, 05353.)

Samples of jellies from the herein-described interstate shipments having been found deficient in fruit juice and containing added tartaric acid and pectin, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Kentucky.

On July 3, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the C. Von Allmen Preserving Co., Louisville, Ky., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about August 20, 1928, November 12, 1928, and November 23, 1928, from the State of Kentucky into the State of Ohio, of quantities of raspberry, blackberry, currant, and grape jellies which were adulterated and misbranded. The articles were labeled in part: "Von Allmen's Pure Extra Quality Raspberry [or other fruit] Jelly * * * Manufactured by the C. Von Allmen Preserving Co. Incorporated, Louisville, Ky."

It was alleged in the information that the articles were adulterated in that products deficient in fruit juice, and which contained added tartaric acid and pectin, had been substituted in whole and in part for pure raspberry jelly, blackberry jelly, currant jelly, and grape jelly, as the case might be, which the articles purported to be. Adulteration was alleged for the further reason that the articles were inferior to raspberry, blackberry, currant, and grape jellies, to wit, products deficient in fruit juice, and had been mixed with added tartaric acid and pectin so as to simulate the flavor and appearance of pure fruit jellies, and in a manner whereby inferiority to pure fruit jellies was concealed.

Misbranding was alleged for the reason that the statements, "Pure Extra Quality Raspberry Jelly," "Pure Extra Quality Blackberry Jelly," "Pure Extra Quality Currant Jelly," and "Pure Extra Quality Grape Jelly," borne on the labels attached to the pails containing the articles, were false and misleading in that the said statements represented that the articles were pure fruit jellies; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure fruit jellies,