

**18405. Adulteration of butter. U. S. v. 78 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26426. I. S. No. 5049. S. No. 4042.)**

Samples of butter from the shipment herein described having been found to fall below the standard provided by Congress, since they contained less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On or about January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 78 boxes of butter, remaining in the original unbroken packages at Springfield, Mass., consigned about January 4, 1931, alleging that the article had been shipped by the Equity Union Creameries (Inc.), Aberdeen, S. Dak., and had been transported from the State of South Dakota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress of March 4, 1923, having provided that butter should contain not less than 80 per cent by weight of milk fat.

On February 24, 1931, the Equity Union Creameries (Inc.), Aberdeen, S. Dak., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$2,000, conditioned in part that it be reworked so that it contain at least 80 per cent of milk fat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18406. Adulteration of canned pimientos. U. S. v. 275 Cases of Pimientos in Glass. Product released under bond to be reconditioned. (F. & D. No. 25481. I. S. No. 13463. S. No. 3740.)**

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

On December 15, 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 275 cases of canned pimientos, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about September 12, 1930, and had been transported from the State of Georgia into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jar) "Sunshine Brand Pimientos \* \* \* First Quality Pomona Products Co., Griffin, Ga."

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

On January 31, 1931, the Pomona Products Co., Griffin, Ga., claimant, having consented to the condemnation and forfeiture of the product, a decree was entered ordering that the said product be released to the claimant, or to its duly authorized agent, upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be reconditioned under the supervision of this department, and that it should not be sold or disposed of in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18407. Adulteration and alleged misbranding of canned turnip greens. U. S. v. 290 Cases, et al., of Canned Turnip Greens. Consent decree entered finding product adulterated and ordering its release under bond to be reprocessed. (F. & D. No. 25760. I. S. Nos. 9702, 9703. S. No. 4000.)**

Samples of canned turnip greens from the shipment herein described having been found to be decomposed, and a portion thereof having been found to be labeled with unwarranted health claims, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Virginia.

On January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 438 cases of canned turnip greens, remaining in the original unbroken packages at Lynchburg, Va., alleging that the article had been shipped by the Pomona Products Co., Griffin, Ga., on or about November 29, 1930, and had been transported from the State of Georgia into the State of

Virginia, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder, in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Georgia Belle Brand Fancy Quality Turnip Greens \* \* \* Packed by Pomona Products Co., Griffin, Ga." A portion of the article was further labeled: "Greens Are High in Iron Content Eat Greens to Insure Good Health."

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

Misbranding was alleged with respect to a portion of the article contained in 290 cases for the reason that the label bore statements regarding the curative and therapeutic effects of the said article, which were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. This misbranding charge was based on the recommendation by this department that the charge be brought that the statement on the label of a portion of the product, "Eat Greens to Insure Good Health," was false and fraudulent.

On March 23, 1931, the Pomona Products Co., Griffin, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered finding the product adulterated, and ordering that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that it be reprocessed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18408. Misbranding of cottonseed meal. U. S. v. Rose City Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 25681. I. S. No. 037377.)**

Examination of samples of cottonseed meal from the shipment herein described having shown that the article was deficient in protein and was short weight, i. e., it contained less than 43 per cent of protein, and the sacks contained less than 100 pounds net, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Arkansas.

On October 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Rose City Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment by said company, in violation of the food and drugs act, as amended, on or about March 29, 1930, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Pounds Net 'Chickasha Prime' \* \* \* Guaranteed Analysis: Protein, not less than 43% \* \* \* Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Oklahoma."

It was alleged in the information that the article was misbranded in that the statements, to wit, "Guaranteed Analysis: Protein, not less than 43%" and "100 Pounds Net," borne on the tags attached to the sacks containing the article, were false and misleading in that they represented that the article contained not less than 43 per cent of protein and that each of the sacks contained not less than 100 pounds net of the article; 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 and that each of the said sacks contained not less than 100 pounds net of the article; whereas it contained less than 43 per cent of protein, namely, 40.19 per cent of protein, and each of the sacks did not contain 100 pounds net of the article, but did contain a less amount. 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 package.

On April 17, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18409. Misbranding of beef and bone scrap. U. S. v. 50 Bags of Beef and Bone Scrap. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24741. I. S. No. 028192. S. No. 3099.)**

Samples of beef and bone scrap from the shipment herein described having been found to contain less than 50 per cent of protein, the amount declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.