

tion of the food and drugs act. The article was labeled in part: "H. H. Roy, Baltimore, \* \* \* California Dried Cherries."

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 vegetable substance.

On May 26, 1931, 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.*

**18566. Adulteration of frozen whole eggs. U. S. v. 400 Cans of Frozen Eggs. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 26245. I. S. No. 28343. S. No. 4567.)**

Samples of frozen whole eggs 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 Western District of New York.

On April 16, 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 400 cans of frozen whole eggs, remaining in the original unbroken packages at Rochester, N. Y., consigned by the Fairmont Creamery Co., alleging that the article had been shipped from Crete, Nebr., on or about March 14, 1931, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fancy Fairmont's Frozen Fresh Eggs. \* \* \* Packed by The Fairmont Creamery Co., \* \* \* Omaha, Nebr. Whole Eggs."

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

The Fairmont Creamery Co., Omaha, Nebr., filed its claim and answer admitting that a portion of the article was adulterated, but averring that the product could be sorted and the portion fit for food determined, and that the remainder could be used in the leather and tanning industries. On April 20, 1931, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the claimant, to be examined and sorted under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18567. Adulteration of canned frozen whole eggs. U. S. v. 91 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26250. I. S. No. 24478. S. No. 4581.)**

Samples of canned frozen whole eggs 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 Northern District of Illinois.

On or about April 21, 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 91 cans of frozen whole eggs at Chicago, Ill., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., February 27, 1931, and had been transported from the State of Tennessee 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 and decomposed animal substance.

On May 29, 1931, Swift & Co., Chicago, Ill., 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 for inspection and sorting under the supervision of this department, upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18568. Adulteration of poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation and destruction. (F. & D. No. 26225. I. S. No. 20273. S. No. 4542.)**

Samples of poultry 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 Connecticut.

On April 14, 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 1 barrel of poultry, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Seymour Packing Co., from Topeka, Kans., on or about October 2, 1930, and had been transported from the State of Kansas into the State of Connecticut, 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 decomposed animal substance, and in that it consisted in whole or in part of a portion of an animal unfit for food.

On May 7, 1931, no claimant having appeared for the property, judgment of condemnation 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.*

**18569. Misbranding of bone meal. U. S. v. 365 Bags of Bone Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26438. I. S. No. 18321. S. No. 4373.)**

Examination of bone meal in the interstate shipment herein described having shown that the sacks containing the article bore no declaration of the quantity of contents, the matter was reported to the United States attorney by an officer of the State of Kansas, commissioned by the Secretary of Agriculture.

On or about February 24, 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 365 bags of bone meal, remaining in the original unbroken packages at Junction City, Kans., alleging that the article had been shipped on or about January 15, 1931, by the Thompson Hayward Chemical Co., of Kansas City, Mo., from New Orleans, La., and had been transported from the State of Louisiana into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in substance in the libel that the article was misbranded in that the sacks containing the article bore no brand, mark, or label of any kind showing the net weight of the product, or of its composition or food value. It was further alleged in the libel that the article was misbranded in that the certificate of weights and the invoice purported to show a total gross weight greater than the actual gross weight of the shipment.

On March 3, 1931, the Thompson-Hayward Chemical Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, 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 \$500, conditioned in part that it be labeled to show the correct net weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18570. Adulteration and misbranding of butter. U. S. v. 9 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution. (F. & D. No. 26434. I. S. No. 30132. S. No. 4628.)**

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 18, 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 nine tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Creamery Co., Wallingford, Iowa, on or about April 11, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration and misbranding 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, a product which should contain not less than 80 per cent of milk fat as provided by law.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article; and for the further reason that it was labeled butter, which was false and misleading and deceived and mislead the purchaser, since it contained less than 80 per cent