

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 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, and should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18889. Adulteration of apples. U. S. v. 150 Bushels, et al., of Apples. Decree of condemnation entered. Product released under bond.
(F. & D. No. 27079. I. S. Nos. 40505, 40507. S. Nos. 5319, 5323.)

Lead and arsenic having been found on certain samples of apples taken from the shipments herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On October 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 150 bushels and 28,900 pounds of apples at New Orleans, La., alleging that the article had been shipped by the Exall Orchard & Real Estate Co., Paducah, Ky., in part on or about October 3, 1931, and in part on or about October 7, 1931, and had been transported from the State of Kentucky into the State of Louisiana, 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 added poisonous or deleterious ingredients, to wit, lead and arsenic, which might have rendered it injurious to health.

On October 16, 1931, J. J. Runfalo & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it should not be disposed of contrary to the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18890. Adulteration of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$50.
(F. & D. No. 26698. I. S. No. 24746.)

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

On October 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation trading at Columbus, Nebr., alleging shipment by said company, in violation of the food and drugs act, on or about May 29, 1931, from the State of Nebraska into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the said article purported to be.

On November 30, 1931, 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.*

18891. Adulteration of tomato catsup. U. S. v. 75 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 27035. I. S. No. 21632. S. No. 5252.)

Samples of canned tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 3, 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 75 cases of tomato catsup, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the

Utah Canning Co., Ogden, Utah, on or about September 29, 1930, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Black & White Brand Tomato Catsup * * * Haas Baruch & Co., Los Angeles, Calif., Distributors."

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

On December 1, 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.*

18892. Adulteration and misbranding of canned minced clams. U. S. v. 96 Cartons of Canned Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26507. I. S. No. 22231. S. No. 4809.)

Examination of samples of canned minced clams from the shipment herein described having shown that the article contained excessive brine and that the packages failed to bear a plain and conspicuous statement of the quantity of the contents, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On June 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 96 cartons of canned minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Wiegardt Bros., from Ocean Park, Wash., on or about May 14, 1931, and had been transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The cans containing the article were unlabeled.

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for normal minced clams of good commercial quality.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 10, 1931, Wiegardt Bros., Ocean Park, Wash., having appeared as claimant for the property 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 upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18893. Misbranding of cottonseed cake and meal. U. S. v. Otho L. Nikles (Southland Cottonseed Products Co.). Plea of guilty. Fine, \$70. (F. & D. No. 25722. I. S. Nos. 18307, 18308, 18309, 18310.)

Samples of cottonseed meal and cake from the shipments herein described having been found to contain less protein than represented on the labels, and the sacks in certain of the consignments having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On July 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Otho L. Nikles, trading as the Southland Cottonseed Products Co., North Kansas City, Mo., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, on or about July 24, August 16, August 23, and August 29, 1930, from the State of Missouri into the State of Kansas, of quantities of cottonseed meal and cake that was misbranded.

The article was labeled in part, variously: "100 Lbs. Net Weight Cottonseed Cake and Meal 'Superior Quality' * * * Guaranteed Analysis Protein not less than 43 per cent * * * Distributed by Superior Cake & Meal Co. * * * Kansas City, Mo.;" "100 Pounds Net Weight When Packed Cotton Seed Meal or Cake Manufactured By Southland Cotton Seed Products Co., North Kansas City, Mo. Analysis Protein 43 per cent;" "Weight 100 Pounds