

Misbranding was alleged for the reason that the article was sold and shipped as butter, which was false and misleading, since it contained less than 80 per cent. of milk fat.

On December 7, 1931, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and 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 said claimant for reworking, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19280. Adulteration of lima beans. U. S. v. 77 Cases of Lima Beans. Consent decree of forfeiture and destruction.** (F. & D. No. 26956. I. S. No. 40201. S. No. 5168.)

Samples of canned lima beans involved in this action were found to contain sand burrs, weed seeds, and other foreign substances. The article had been shipped from Wisconsin to Missouri and had been returned to the original shipper, the Poynette Canning Co., Poynette, Wis.

On September 11, 1931, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 77 cases of lima beans, remaining in the original unbroken packages at Poynette, Wis., alleging that the article had been shipped on or about April 9, 1930, by the Stocker-Hausman Co., from St. Louis, Mo., and had been transported in interstate commerce from the State of Missouri into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Green Dell Brand Medium Green Lima Beans \* \* \* Poynette Canning Co., Poynette, Wis."

If was alleged in the libel that the article was adulterated in that sand burrs, weed seeds, foreign stems, and other foreign substances had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted partly for the said article.

On September 26, 1931, by consent of the owner, judgment of 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.*

**19281. Adulteration and misbranding of salad oil. U. S. v. 48 Cartons of Salad Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23961. I. S. No. 08189. S. No. 2187.)

Examination of samples of salad oil from the shipment herein described having shown that the article contained undeclared added color and was short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On August 19, 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 48 cartons of salad oil, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by Van Camp Packing Co., of Louisville, Ky., from Cincinnati, Ohio, on July 1, 1929, and had been transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Contadina Brand Oil—Pure Vegetable Salad Oil—Five Gallons Net—Contadina Oil Co., New York."

Adulteration was alleged in the libel for the reason that an artificially colored oil had been substituted for the article.

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, to wit, pure vegetable salad oil, since it was not pure vegetable salad oil in that it contained undeclared artificial color; misbranding was alleged for the further reason that the statement "Five Gallons Net" was false and misleading and deceived and misled the purchaser, and for the further reason