

Misbranding was alleged for the reason that the article was sold as butter when it should have contained not less than 80 per cent by weight of milk fat, as prescribed by law.

On October 15, 1929, the Merchants Creamery Co., Cincinnati, Ohio, 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 salvaging under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16818. Adulteration of canned salmon. U. S. v. 63 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24071. I. S. No. 09947. S. No. 2299.)

On September 16, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 63 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by J. T. Toman, Anchorage, Alaska, August 12, 1929, and transported from the Territory of Alaska into the State of Washington, 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 October 8, 1929, 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.*

16819. Adulteration of frozen poultry. U. S. v. 2 Barrels of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23986. S. No. 021139. S. No. 2243.)

On September 6, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels of frozen poultry at New York, N. Y., alleging that the article had been shipped by the R. S. Buchanan Co. (Inc.), from Perry, Mo., on or about August 21, 1929, and transported from the State of Missouri into the State of New York, 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 decomposed animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On October 8, 1929, 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.*

16820. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Cake or Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23270. I. S. No. 07507. S. No. 1384.)

On December 24, 1928, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 sacks of cottonseed cake or meal, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Dallas Oil & Refining Co., from Dallas, Tex., December 13, 1928, and transported from the State of Texas into the State of Minnesota, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Cake or Meal, Manufactured by Dallas Oil & Refining Co., Dallas, Texas. * * * Analysis Protein Basis 43 per cent."

It was alleged in the libel that the article was misbranded in that the statement "Protein Basis 43 per cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On April 9, 1929, the Dallas Oil & Refining Co., Dallas, Tex., having appeared as claimant for the property and having consented to the entry of a decree of

condemnation and forfeiture, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled, under the supervision of this department, with its correct protein content.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16821. Adulteration of cull poultry. U. S. v. 1 Barrel of Cull Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24088. L. S. No. 021276. S. No. 2326.)

On September 25, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of cull poultry, remaining in the original unbroken packages at Orange, N. J., alleging that the article had been shipped by the Peterson-Biddick Co., Wadena, Minn., on or about September 12, 1929, and transported from the State of Minnesota into the State of New Jersey, 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, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On October 31, 1929, 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.*

16822. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23988. I. S. No. 021141. S. No. 2260.)

On or about September 9, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Latham & Sons Packing Co., from Fredonia, Kans., on or about August 20, 1929, and transported from the State of Kansas into the State of New York, 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, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On October 3, 1929, 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.*

16823. Adulteration and misbranding of butter. U. S. v. 60 Cases, et al, of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24133. I. S. Nos. 05268, 05271. S. Nos. 2286, 2287.)

On August 16, 1929, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 120 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Belmont Creamery Co., from Belmont, Wis., in part on July 26, 1929, and in part on July 29, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libels that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and in that it contained less than 80 per cent of butterfat.