

17353. Adulteration and misbranding of butter. U. S. v. 25 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24687. I. S. No. 025586. S. No. 2941.)

On February 27, 1930, the United States attorney for the Western 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 25 cases, each containing thirty 1-pound cartons of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Fosse Produce Co., La Porte City, Iowa, alleging that the article had been shipped from La Porte City, Iowa, September 14, 1929, and 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. The article was labeled in part: (1-pound cartons) "Admiral Creamery Butter * * * C. A. Fosse, La Porte City, Iowa."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

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

On March 31, 1930, 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.*

17354. Adulteration and misbranding of tankage. U. S. v. 214 Bags of Digester Tankage Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23850. I. S. No. 012985. S. No. 1315.)

On or about November 13, 1928, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 214 bags of Digester tankage, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the Bi-Products Feed Co., from South Chicago, Ill., on or about October 12, 1928, and transported from the State of Illinois into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ingredients, Meat, Blood and Bone Meals, Analysis: Protein minimum 60%."

It was alleged in the libel that the article was adulterated in that foreign matter containing glass and sand had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "Analysis protein not less than 60 per cent," was false and misleading and deceived and misled the purchaser to believe that the article contained not less than 60 per cent of protein, whereas it contained less than 60 per cent of protein.

On November 23, 1928, the United Bi-Products Co., Kansas City, Kans., 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 relabeled to show the true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17355. Adulteration and misbranding of vanilla and lemon extracts. U. S. v. 13 Cases of Vanilla Extract, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23928. I. S. Nos. 05038, 05039. S. No. 2163.)

On or about August 22, 1929, the United States attorney for the District of Kansas, 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 13 cases of vanilla extract and 3 cases of lemon extract at Fort Leavenworth, Kans., consigned by the Louis Maull Co., St. Louis, Mo., alleging that the articles had been shipped from St. Louis, Mo., on or about June 14, 1929, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part respectively: (Bottles) "4 Oz. Maull's * * * Pure Vanilla Extract Packed By L. Maull Co. Food Products, St. Louis, Mo.;" and "4 Oz. Maull's * * * Pure Lemon Extract 94 Per Cent Alcohol Packed by L. Maull Co. Food Products, St. Louis, Mo."

It was alleged in the libel that the articles were adulterated in that artificially colored imitation products had been mixed and packed therewith so as to reduce or lower or injuriously affect their quality or strength, and had been substituted in part for the said articles. Adulteration was alleged for the further reason that the articles had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the articles were described on the labels as pure vanilla extract and pure lemon extract, whereas they were imitations of and were offered for sale under the distinctive names of pure lemon extract and vanilla extract. Misbranding was alleged for the further reason that the statement on the label of the said lemon extract, regarding the alcohol content, was false, since it did not contain 94 per cent of alcohol.

On November 4, 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.*

17356. Adulteration and misbranding of cheese. U. S. v. Henry H. Solie. Plea of guilty. Fine, \$200. (F. & D. No. 23758. I. S. Nos. 04543, 04548, 05186, 05187, 05193, 05194.)

On December 10, 1929, 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 said district an information against Henry H. Solie, Stetsonville, Wis., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about October 16, 1928, January 22, 1929, January 29, 1929, and February 19, 1929, respectively, from the State of Wisconsin into the State of Indiana, of quantities of cheese, which was adulterated and misbranded. The article was labeled in part: "Colby Style Full Cream American Cheese Wisconsin No. 1."

It was alleged in the information that the article was adulterated in that a substance deficient in milk fat and which contained an excessive amount of water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted for full cream American cheese Wisconsin No. 1, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the statement, "Full Cream American Cheese Wisconsin No. 1," borne on the label, was false and misleading in that the said statement represented that the article was full cream American cheese, which conformed to the standard of Wisconsin No. 1, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was full cream American cheese, which conformed to the standard for Wisconsin No. 1, whereas it was not full cream American cheese, and did not conform to the standard of Wisconsin No. 1, in that it was a substance which contained an excessive amount of water and was deficient in milk fat.

On February 8, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17357. Misbranding of cottonseed meal. U. S. v. 375 Bags of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24581. I. S. No. 012420. S. No. 2906.)

On March 3, 1930, the United States attorney for the District of Maryland, 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 375 bags of cottonseed meal, remaining in the original unbroken packages at Bel Air, Md., alleging that the article had been shipped by the Planters Cotton Oil & Fertilizer Co., from Rocky Mount, N. C., on or about January 10, 1930, and transported from the State of North Carolina into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Planco Cotton Seed Meal * * * Manufactured by Planters Cotton Oil & Fertilizer Co., Rocky Mount, N. C., Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," was false and misleading and deceived and misled the purchaser when applied to a product containing a less amount of protein.