

22, 1930, and transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Retail packages) "1 Lb. Net, Morolo Sweet Nut Margarine Oleomargarine, Morris and Co., Distributors." The remainder of the article was labeled in part: (Retail packages) "Marigold Oleomargarine, 1 Pound Net Weight Morris & Co."

It was alleged in the libels that the article was misbranded in that the following statement borne on the labels, "1 lb. Net," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of contents, since the statement made was incorrect.

On April 29, 1930, Armour & Co., claimant, having admitted the material allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and execution of bonds totaling \$300, conditioned in part that it be relabeled under the supervision of this department so as to comply with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17406. Misbranding of winter wheat shipstuff. U. S. v. 26 Sacks, et al., of Winter Wheat Shipstuff. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24765, 24767. I. S. Nos. 038367, 038370. S. Nos. 3122, 3125.)**

On May 15, 1930, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 66 sacks of winter wheat shipstuff, remaining in the original unbroken packages, in part at Fayetteville, N. C., and in part at Raleigh, N. C., alleging that the article had been shipped by the Dan Valley Mills, Danville, Va., in 2 consignments, on or about March 28, 1930, and April 16, 1930, respectively, and transported from the State of Virginia into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Winter Wheat Shipstuff Dan Valley Mills Danville, Va. Guaranteed Analysis Carbohydrates 65.00%, Protein 16.00%, Fat 5.00%, Fiber 8.00%."

Analyses of samples of the article showed it to be deficient in protein.

It was alleged in the libels that the article was misbranded in that the statements on the label, "Guaranteed analysis carbohydrates 65.00%, protein 16.00%, fat 5.00%, fiber 8.00%," were false and misleading and deceived and misled purchasers.

On June 16, 1930, the Dan Valley Mills, Danville, Va., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were 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 bonds totaling \$200, conditioned in part that it should not be sold in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17407. Adulteration and misbranding of butter. U. S. v. 81 Cases, et al., of Butter. Product released under bond. (F. & D. No. 24825. I. S. Nos. 030449, 039592. S. No. 3059.)**

On or about March 27, 1930, the United States attorney for the Southern District of Georgia, 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 81 cases each containing 32 pounds, and 120 cases each containing 12 pounds of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Cudahy Packing Co., from Washington Court House, Ohio, on or about March 18, 1930, and transported from the State of Ohio into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "The Cudahy Packing Company Distributors, General Offices, Chicago, U. S. A. Sunlight Creamery Butter."

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 mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that a product containing less than 80

per cent by weight of milk fat had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, butter. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading and deceived and misled the purchaser in that the said statement represented that the article consisted wholly of butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not, but did consist of a product containing less than 80 per cent by weight of milk fat.

On March 28, 1930, the Cudahy Packing Co., Savannah, Ga., claimant, filed an answer admitting the material allegations of the libel, stating that no opposition would be offered to the condemnation of the butter, alleging that the defect therein were the fault of the creamery company, and praying release of the product upon payment of costs and the execution of a good and sufficient bond, conditioned that it would not be sold or disposed of contrary to law. Upon approval of the said bond the court ordered the product released to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17408. Adulteration of oranges. U. S. v. 40 Boxes of Oranges. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 24673. I. S. No. 041309. S. No. 2923.)**

On or about February 19, 1930, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 40 boxes of oranges, remaining in the original unbroken packages at St. Joseph, Mo., alleging that the article had been shipped by J. C. Bauer from Alamo, Tex., on or about January 31, 1930, and transported from the State of Texas into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Richfield Brand Grapefruit, The R. B. Dublin Co., McAllen, Texas;" (tissue wrapper) "Sum Pak Lower Rio Grande Valley Grapefruit, Alamo, Texas;" and "Valley of Sweet Grown in Lower Rio Grande Valley in Texas."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

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

On March 4, 1930, the Hunt Bros. Fruit Co., St. Joseph, Mo., having appeared and having admitted the allegations in the libel and consented to the entry of judgment of condemnation and forfeiture, a decree was entered finding that the product was adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17409. Adulteration of grapefruit. U. S. v. 402 Cases of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24841. I. S. No. 012968. S. No. 3021.)**

On February 26, 1930, 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 402 cases of grapefruit, remaining in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by O. S. Perkins from Mission, Tex., on or about February 17, 1930, and transported from the State of Texas into the State of Kansas, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it was composed of filthy and decomposed vegetable matter.

On March 4, 1930, B. D. Cook & Co., Wichita, Kans., 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