

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 \$200, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the Federal food and drugs act and all laws relating thereto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17539. Misbranding of wheat bran and wheat middlings. U. S. v. 200 Sacks of Wheat Bran, et al. Decree of condemnation entered. Products released under bond to be repacked. (F. & D. No. 24240. I. S. Nos. 013302, 013303. S. No. 2472.)**

Sacks of wheat bran and wheat middlings from the herein described interstate shipment having been examined and found to contain less than 100 pounds, the weight declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the District of Minnesota.

On November 13, 1929, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 200 bags of wheat bran and 200 bags of wheat middlings at Duluth, Minn., alleging that the articles had been shipped by the Rugby Milling Co., Rugby, N. Dak., on October 16, 1929, and had been transported from the State of North Dakota into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Bag) "100 Pounds Net when packed Pure Wheat Bran, the Rugby Milling Co., Rugby, N. D.;" and "100 Pounds Net when packed Rich Standard Middlings, The Rugby Milling Co., Rugby, N. D."

It was alleged in the libel that the articles were misbranded in that the statement on the label, "100 Pounds Net," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the bags was not correct.

On May 26, 1930, the Rugby Milling Co., Rugby, N. Dak., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the payment of costs and the execution of bond in the sum of \$26.24, conditioned in part that it should not be sold or otherwise disposed of until repacked and brought up to the proper weight under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17540. Adulteration and misbranding of cottonseed meal. U. S. v. 80 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24500. I. S. No. 016955. S. No. 2801.)**

Samples of a product labeled as cottonseed meal from the herein described interstate shipment having been found to be cottonseed feed containing less protein than declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of North Carolina.

On February 3, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 80 sacks of cottonseed meal, remaining in the original unbroken packages at Elkin, N. C., alleging that the article had been shipped by the Kershaw Oil Mill, from Kershaw, S. C., on or about January 1, 1930, and had been transported from the State of South Carolina into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Palmetto Brand Good Cotton Seed Meal Manufactured by Kershaw Oil Mill, Kershaw, South Carolina. \* \* \* Protein \* \* \* 36 per cent."

It was alleged in the libel that the article was adulterated in that a substance deficient in protein had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the statements "Cottonseed Meal \* \* \* Protein 36 per cent," which were false and misleading and deceived and misled the purchaser, since the article contained less than 36 per cent of protein.

On July 24, 1930, the Kershaw Oil Mill, Kershaw, S. C., 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 upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled as cottonseed feed containing 33 per cent of protein, equivalent to 6.4 per cent of ammonia.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17541. Adulteration and misbranding of tomato catsup. U. S. v. 35½ Cases of Tomato Catsup. Default decree of forfeiture and destruction. (F. & D. No. 24603. I. S. No. 025741. S. No. 2937.)**

Samples of tomato catsup from the herein described interstate shipment having been found to contain decomposed material and to be artificially colored, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Oklahoma.

On or about March 10, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35½ cases of tomato catsup at Tulsa, Okla., alleging that the article had been shipped by the Rush Canning Co., Bentonville, Ark., on or about October 8, 1929, and had been transported from the State of Arkansas into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mid-Mountain Brand Tomato Catsup \* \* \* Packed by Mid-Mountain Fruit Co., Bentonville, Ark."

It was alleged in the libel that the article was adulterated and misbranded in that it contained mold, filthy and putrid matter, and artificial coloring.

On July 2, 1930, the Rush Canning Co., Bentonville, Ark., having failed to plead or appear in the case, but having admitted the allegations of the libel, 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.*

**17542. Misbranding and alleged adulteration of butter. U. S. v. 7 Cases of Butter. Decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 24970. I. S. No. 879. S. No. 3288.)**

Samples of print butter from the herein described interstate shipment having been found to contain less than 80 per cent of milk fat, and to be short weight, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Washington.

On July 12, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 7 cases of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Red Rock Creamery, Kent, Wash., on or about July 11, 1930, to Seattle, Wash., to be shipped in interstate commerce to Alaska, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Prints) "Red Rock Butter—One Pound Net. Red Rock Creamery, Kent, Washington."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter," which was false and misleading, since it contained less than 80 per cent of milk fat; in that it was labeled "One Pound Net," which was false and misleading, since the package contained less than 1 pound net; and in 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, since the quantity stated on the package was not correct.

On July 21, 1930, the Red Rock Creamery Co., Kent, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, the said decree providing that the product might be released to the claimant, for reconditioning under the supervision of this department, upon payment of costs and the deposit of cash bond conditioned in part that it should not be disposed of contrary to law. On August 11, 1930, the product having been found unfit for reconditioning, it was ordered by the court that the butter be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*