

than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On or about November 6, 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 21 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Craigmont Creamery Co., Craigmont, Idaho, about October 30, 1930, and had been transported from the State of Idaho 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 a product containing less than 80 per cent of milk fat had been substituted for butter.

On November 10, 1930, Loren F. Lee, Seattle, Wash., 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 deposit of certified check in the sum of \$500, conditioned in part that it be made to comply with the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17722. Misbranding of white pepper. U. S. v. 7 Gross, et al., Packages of White Pepper. Product ordered released under bond to be relabeled. (F. & D. No. 25301. I. S. No. 4623. S. No. 3559.)

Sample packages of white pepper from the herein described interstate shipment having been found short weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On November 6, 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 gross and 8 dozen packages of white pepper, remaining in the original unbroken packages at Perth Amboy, N. J., alleging that the article had been shipped by the B. Fischer Co. (Inc.), from New York, N. Y., in part on or about September 23, 1930, and in part on or about October 14, 1930, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Astor Pure White Pepper B. Fisher Co., Inc., New York & Buffalo Contents 1¼ ounces."

It was alleged in the libel that the article was misbranded in that the statement on the packages, "Contents 1¼ ounces," 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 the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On November 26, 1930, B. Fischer & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning the product, judgment was entered ordering that the article be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it be relabeled so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17723. Adulteration of butter. U. S. v. Sunlight Creameries. Plea of guilty. Fine, \$50. (F. & D. No. 25038. I. S. Nos. 030449, 030592.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On November 20, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against the Sunlight Creameries, a corporation, trading at Washington Court House, Ohio, alleging shipment by said company, in violation of the food and drugs act, on or about March 18, 1930, from the State of Ohio into the State of Florida, of a quantity of butter which was adulterated. The article was labeled in part: "Sunlight Creamery Butter."

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent

by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

On November 29, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17724. Adulteration of canned blueberries. U. S. v. 34½ Cases of Canned Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25246. I. S. No. 3189. S. No. 3537.)

Samples of canned blueberries from the herein described interstate shipment having been found to contain maggot-infested fruit, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On October 31, 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 34½ cases of canned blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by G. M. Allen & Sons (Inc.), from Sargentville, Me., on or about September 25, 1930, and had been transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Matchless Brand Blueberries, Webster-Thomas Co., Boston and Gardner, Mass., Distributors."

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

On November 24, 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.*

17725. Adulteration and misbranding of dairy feed. U. S. v. 300 Sacks of Dairy Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25194. I. S. No. 18553. S. No. 3461.)

Samples of dairy feed from the herein described interstate shipment having been found to contain undeclared calcium carbonate (ground limestone) and less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On October 8, 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 300 sacks of dairy feed, remaining in the original unbroken packages at Cumberland, Md., alleging that the article had been shipped by the Kentucky Feed & Grain Co. (Inc.), from Louisville, Ky., on or about September 3, 1930, and had been transported from the State of Kentucky into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Marshall's 24% Dairy Feed, Made by Kentucky Feed & Grain Co., Incorporated, Louisville, Kentucky. Guaranteed Analysis: Protein 24.00 Per Cent * * * Made from: Corn Gluten Meal, Linseed Meal, Cottonseed Meal, Corn Gluten Feed, Alfalfa Meal, Wheat Bran, Corn Feed Meal, Wheat Middlings, Rice Bran 10%, Cane Molasses, Salt ½%."

It was alleged in the libel that the article was adulterated in that a substance deficient in protein and containing calcium carbonate had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements on the label, "24% Dairy Feed, Guaranteed Analysis: Protein 24.00 Per Cent, Made from Corn Gluten Meal, Linseed Meal, Cottonseed Meal, Corn Gluten Feed, Alfalfa Meal, Wheat Bran, Corn Feed Meal, Wheat Middlings, Rice Bran 10%, Cane Molasses, Salt ½%," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 20, 1930, the Kentucky Feed & Grain Co. (Inc.), Louisville, Ky., having appeared as claimant for the property, 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 bond in the sum of \$1,200, conditioned in part that it be relabeled to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*