

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent of milk fat (or butterfat) 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 November 11, 1930, Thomas W. Hackworth (Inc.), having appeared as claimant for the property and having consented to the entry of decrees, judgments were entered condemning the product as adulterated, and it was ordered by the court that the said product be delivered to the claimant to be reworked under the supervision of this department, upon payment of costs and the execution of bonds totaling \$3,940, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18774. Adulteration of herring. U. S. v. 8 Boxes of Herring. Default decree of destruction entered. (F. & D. No. 26804. I. S. No. 25776. S. No. 4961.)

Samples of herring from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On July 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight boxes of herring at Cincinnati, Ohio, alleging that the article had been shipped by the Lake Superior Fish Co., Duluth, Minn., on or about July 16, 1931, and had been transported from the State of Minnesota into the State of Ohio, 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 contained triaenophori (worms) and consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

On August 4, 1931, no claimant having appeared for the property and the court having found that the product was spoiled and unfit for food, judgment was entered, nunc pro tunc as of July 27, 1931, ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18775. Adulteration of canned prunes. U. S. v. 38 Cases of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26043. I. S. No. 18226. S. No. 4342.)

Samples of prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 cases of canned prunes, remaining in the original cases at Ottumwa, Iowa, alleging that the article had been shipped by the National Fruit Canning Co., Seattle, Wash., on or about November 26, 1930, and had been transported from the State of Washington into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Real Fruit Brand Italian Prunes packed by National Fruit Canning Co., Seattle, Washington."

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

On September 18, 1931, 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.*

18776. Misbranding of cottonseed meal. U. S. v. 600 Bags of Cottonseed Meal. Consent decree of condemnation. Product released under bond. (F. & D. No. 27119. I. S. No. 23812. S. No. 5180.)

Examination of the shipment of cottonseed meal herein described having shown that the sacks containing the article were not marked with a plain and conspicuous statement of the quantity of the contents, the matter was reported to the United States attorney for the District of Kansas by an official of the Kansas State Board of Agriculture.