

18846. Misbranding of tankage. U. S. v. 36 Tons of Unground Dry Rendered Tankage. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 27113. I. S. No. 23807. S. No. 5006.)

Samples of tankage from the shipment herein described having been found to contain excessive animal hoof and horn, the matter was reported to the United States attorney for the District of Kansas by authority of the Secretary of Agriculture.

On July 17, 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 36 tons of so-called unground dry rendered tankage at Kansas City, Kans., alleging that the article had been shipped by the Riverdale Products Co., Chicago, Ill., on or about July 9, 1931, and had been transported from the State of Illinois into the State of Kansas, 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 excessive animal hoof and horn, whereby its value as food was materially and unlawfully reduced.

On August 7, 1931, the Apache Packing Co., San Antonio, Tex., having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or offered for sale in violation of any existing law, and that it be disposed of as fertilizer, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18847. Misbranding of meat scraps. U. S. v. Five Hundred 100-lb. Bags of Meat Scraps. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 27114. I. S. No. 23808. S. No. 4868.)

Examination of the consignment of meat scraps herein described having shown that the packages (bags) failed to bear a plain and conspicuous statement of the quantity of the contents thereof, the matter was reported to the United States attorney for the District of Kansas by authority of the Secretary of Agriculture.

On July 24, 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 five hundred 100-pound bags of meat scraps at Kansas City, Kans., alleging that the article had been shipped by the Riverdale Products Co., from Calumet City, Ill., on or about July 17, 1931, and had been transported from the State of Illinois into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article was unlabeled.

It was alleged in the libel that the article was misbranded in that the bags contained no mark, brand, or label of any kind showing the net weight of the product.

On August 8, 1931, the Riverdale Products Co., Chicago, Ill., 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 \$1,000, conditioned in part that it should not be sold in violation of any existing law, and that it be labeled to show the true contents and weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18848. Adulteration of shell eggs. U. S. v. 101 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27146. I. S. No. 25197. S. No. 5048.)

Samples of eggs 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 Northern District of Illinois.

On or about July 28, 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 101 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Southern Wisconsin Produce Co., from Madison, Wis., July 21, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and

charging adulteration in violation of the food and drugs act. The article was labeled in part: (Stenciled on case) "Dirties;" (tag) "Southern Wisconsin Produce Company, Madison, Wis. Schalla & O'Neill, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On August 26, 1931, the Schalla & O'Neill Co., Chicago, Ill., claimants, 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 bond in the sum of \$500, conditioned in part that it be candled under the supervision of this department, and should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or other existing law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18849. Misbranding of feed. U. S. v. 25 Sacks of Blue Ridge Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26491. I. S. No. 27516. S. No. 4784.)

Examination of samples of feed from the shipment herein described having shown that the article contained less protein than declared on the label, also that the packages failed to bear a plain and conspicuous statement of the quantity of the contents, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of North Carolina.

On June 17, 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 25 sacks of feed, remaining in the unbroken packages at Henderson, N. C., alleging that the article had been shipped by the Shenandoah Milling Co., Shenandoah, Va., May 5, 1931, and had been 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: "Shenandoah Milling Co., Shenandoah, Va., Blue-Ridge Feed * * * Protein 15%."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein 15%," was false and misleading and deceived and misled the purchaser, since analysis of a sample showed that it was deficient in protein. 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.

On September 9, 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.*

18850. Adulteration of herring. U. S. v. 2 Boxes of Herring. Default decree of destruction entered. (F. & D. No. 26899. I. S. No. 37309. S. No. 5085.)

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 August 19, 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 two boxes of herring at Cincinnati, Ohio, alleging that the article had been shipped by the Booth Fisheries Co., Duluth, Minn., on or about August 15, 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 was infested with triaenophori (worms) and consisted wholly or partly of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

On September 2, 1931, no claimant having appeared for the property, and the court having found that the product was spoiled and unfit for human consumption, a decree was entered, nunc pro tunc as of August 20, 1931, ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*