

On or about March 14, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 106 cases of butter at Chicago, Ill., alleging that the article had been shipped on or about February 23, 1932, by the Barron Cooperative Creamery, Barron, Wis., having been shipped from the State of Wisconsin into the State of Illinois and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Net Weight One Pound."

It was alleged in the libel that the article was misbranded in that the statement "Net Weight One Pound" was false and misleading, since the package contained less than this quantity.

On March 28, 1932, the Dallas Creamery Co., of Dallas, Wis., 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 to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, *Secretary of Agriculture.*

19718. Adulteration of cabbage. U. S. v. 320 Crates of Cabbage. Consent decree of condemnation and forfeiture. Product ordered released under bond to be salvaged, and adulterated portion destroyed. (F. & D. No. 27993. I. S. No. 39091. S. No. 6019.)

Arsenic having been found on cabbage taken from the shipment involved in this action, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On March 29, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 320 crates of cabbage, remaining in the original and unbroken packages at New Bedford, Mass., consigned about March 16, 1932, alleging that the article had been shipped in interstate commerce by A. O. Kolberg, McAllen, Tex., to New Bedford, Mass., 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 an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On March 30, 1932, A. O. Kolberg, McAllen, Tex., claimant, having admitted the allegations of the libel, 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 \$700, in lieu of bond, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws. It was further ordered that the adulterated portion be separated from the unadulterated portion under the supervision of this department, and the former destroyed.

HENRY A. WALLACE, *Secretary of Agriculture.*

19719. Alleged adulteration and misbranding of cottonseed meal. U. S. v. Kershaw Oil Mill. Tried to the court and jury. Verdict of not guilty. (F. & D. No. 25705. I. S. No. 016955.)

This action was based on the interstate shipment of a quantity of a product represented to be cottonseed meal, which was labeled as containing 36 per cent of protein. Samples taken from the shipment were found to contain less than 36 per cent of protein.

On February 17, 1931, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Kershaw Oil Mill, a corporation, Kershaw, S. C., charging shipment by said company in violation of the food and drugs act, on or about January 1, 1930, from the State of South Carolina into the State of North Carolina, of a quantity of cottonseed meal that was alleged to be adulterated and misbranded. The article was labeled in part: (Tag) "'Palmetto Brand' Good Cotton Seed Meal, Manufactured by Kershaw Oil Mill, Kershaw, South Carolina, Guaranteed Analysis Protein (Equiv. Ammonia 7 p. c.) 36.00 per cent."