It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was in part the product of a diseased animal.

On December 30, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19303. Adulteration of cabbage. U. S. v. 450 Crates of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27403. I. S. No. 39042. S. No. 5605.)

Arsenic having been found on the cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 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 450 crates of cabbage, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Chase & Co., from Sanford, Fla., on or about December 14, 1931, and had been transported from the State of Florida into the State of Massachusetts, 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, to wit, arsenic, which might have rendered it injurious to health.

On December 21, 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.*

19304. Adulteration and misbranding of butter. U. S. v. Southern Dairies (Inc.). Plea of nolo contendere. Fine, $100. (F. & D. No. 26580. I. S. No. 29310.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Tennessee.

On August 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Southern Dairies (Inc.), a corporation, Knoxville, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about March 8, 1931, from the State of Tennessee into the State of New York, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Salt Butter."

Adulteration of the article was alleged in the information for the reason that a product which contained 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 by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the tubs containing the article, was false and misleading in that the said statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount.

On January 18, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19305. Misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27356. I. S. No. 47294. S. No. 5559.)

Samples of potatoes from the shipment herein described having been found to be below U. S. Grade No. 1, the standard declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.