

of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 45 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Portland Creamery Co., from Portland, N. Dak., in various consignments on or about January 28, February 1, February 4, and February 6, 1928, respectively, and had been transported from the State of North Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libels that the article was adulterated, in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 24, February 28, and February 29, 1928, respectively, the Portland Creamery Co., Portland, N. Dak., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,600, conditioned in part that it be reprocessed and reworked. The claimant agreed that the reconditioned product should contain at least 80 per cent of butterfat and that the packages be plainly and conspicuously marked to show the true quantity of the contents.

W. M. JARDINE, *Secretary of Agriculture.*

15630. Adulteration of scallops. U. S. v. 5 Boxes of Scallops. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution. (F. & D. No. 22416. I. S. No. 21578-x. S. No. 452.)

On January 14, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 boxes, containing 70 gallons, of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by J. H. Potter & Son, from Beaufort, N. C., on or about January 12, 1928, and had been transported from the State of North Carolina into the State of New York, 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 substance, water, had been mixed and packed with and substituted in part for scallops.

On January 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portions of the product fit for human consumption be delivered to a charitable institution.

W. M. JARDINE, *Secretary of Agriculture.*

15631. Adulteration of figs. U. S. v. 50 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22150. I. S. Nos. 17326-x, 17328-x. S. No. 206.)

On November 10, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 boxes of figs, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., from Fresno, Calif., in various lots on or about May 13, October 17, and October 25, 1927, respectively, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Choice Mission Figs, Produced & Packed by California Peach & Fig Growers. Main Office, Fresno, Calif."

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

On February 28, 1928, 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.

W. M. JARDINE, *Secretary of Agriculture.*

15632. Misbranding of alfalfa meal. U. S. v. 300 Sacks of Alfalfa Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22470. I. S. No. 17463-x. S. No. 585.)

On or about February 23, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of alfalfa meal, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the California Hawaiian Milling Co., from San Francisco, Calif., on or about December 1, 1927, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "C and H Poultry Meal Fancy Alfalfa Meal * * * Crude Protein, not less than 18% * * * Manufactured by California Hawaiian Milling Co., * * * San Francisco, Calif."

It was alleged in the libel that the article was misbranded, in that the statement on the label, "Crude Protein not less than 18%," was false and misleading and deceived and misled the purchaser.

On February 29, 1928, the California Hawaiian Milling Company, Inc., San Francisco, Calif., having appeared as claimant for the property 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 the costs of the proceedings and the execution of a bond in the sum of \$50, conditioned in part that it not be sold or otherwise disposed of until relabeled in manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

15633. Adulteration of figs. U. S. v. 500 Bags of Dried Figs. Product ordered released under bond. (F. & D. No. 22405. I. S. No. 13160-x. S. No. 498.)

On January 28, 1928, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 bags of figs, remaining in the original unbroken packages at Denver, Colo., shipped by the Duane Trading Co., New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about October 1, 1927, from New York, N. Y., into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "FAB Sterling Natural Figs, Smyrna, Turkey."

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

On March 1, 1928, the Merchants Biscuit Co., Denver, Colo., having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$3,500, conditioned that it not be used or disposed of contrary to law. It was further ordered by the court that the product be examined under the supervision of this department, that any figs found to be adulterated be condemned and destroyed, and that the bond be released upon compliance with the terms of the decree and payment of costs by the claimant.

W. M. JARDINE, *Secretary of Agriculture.*

15634. Adulteration and misbranding of cottonseed meal and cake. U. S. v. 120 Sacks of Cottonseed Meal and 280 Sacks of Cottonseed Cake. Products ordered released under bond to be relabeled. (F. & D. No. 22139. I. S. Nos. 23016-x, 23017-x. S. No. 200.)

On November 9, 1927, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 120 sacks of cottonseed meal, and 280 sacks of cottonseed cake, remaining in the original packages at Des Moines, N. Mex., alleging that the articles had been shipped by the Quanah Cotton Oil Co., Quanah, Tex., October 26, 1927, and had been transported from the State of Texas into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Tag) "43 Per