

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 \$500, conditioned in part that it be relabeled to show the true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15976. Adulteration of dry beans. U. S. v. 185 Sacks of Dry Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21935. I. S. No. 2668-x. S. No. C-5472.)

On May 24, 1927, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 27, 1927, an amended libel, praying seizure and condemnation of 185 sacks of dry beans, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Snover Grain Co., Sandusky, Mich., on or about January 20, 1927, and had been transported from the State of Michigan into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Michigan Pea Beans."

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 May 27, 1927, the Great Atlantic and Pacific Tea Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented that judgment be entered for the condemnation and forfeiture of the property, a decree was entered finding the product adulterated, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be salvaged under the supervision of this department and the decomposed portion destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15977. Adulteration and misbranding of olive oil. U. S. v. 56 Gallons of Olive Oil. Product ordered released under bond. (F. & D. No. 22463. I. S. No. 13223-x. S. No. 576.)

On February 17, 1928, the United States attorney for the District of Utah, 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 56 gallons of olive oil, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Dyson Shipping Co., from San Francisco, Calif., on or about January 21, 1928, and had been transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Imported Pure Virgin Olive Oil, Superfine, A Pure Medicinal * * * R. C. Brand. This Olive Oil is guaranteed to be absolutely pure. A. Giurlani & Brother, San Francisco, California."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the label bore the statements, "Pure Virgin Olive Oil" and "This Olive Oil is guaranteed to be absolutely pure," which said statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 28, 1928, A. Giurlani & Bro., San Francisco, Calif., claimant, having paid the costs of the proceedings and having executed a bond in the sum of \$250, it was ordered by the court that the product be released to the said claimant to be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15978. Adulteration and misbranding of cottonseed meal. U. S. v. 200 Sacks of Cottonseed Meal. Product ordered released under bond. (F. & D. No. 22171. I. S. No. 14633-x. S. No. 223.)

On November 15, 1927, the United States attorney for the Northern District of Florida, 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 200 sacks of cottonseed meal, remaining in the original unbroken packages at Monticello, Fla., alleging that the article had been shipped by the Planters Oil Co., Albany, Ga., October 7, 1927, and transported

from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled and branded in part: "100 Pounds Second-Class Cottonseed Meal Guaranteed Analysis Ammonia 7%, Equivalent to Protein, 36%."

It was alleged in substance in the libel that the article was adulterated in that a cottonseed feed deficient in ammonia content had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the said branding was false and misleading and deceptive in that the article did not contain 7 per cent of ammonia, nor was the ammonia content thereof equivalent to 36 per cent of protein.

On November 29, 1927, L. R. Rainey, Monticello, Fla., having appeared as claimant for the property and having paid the costs and executed a good and sufficient bond in accordance with law, it was ordered by the court that the product be released to the said claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15979. Adulteration of butter. U. S. v. Carl W. Schmidt (Faith Creamery Co.). Plea of guilty. Fine, \$50. (F. & D. No. 21591. I. S. Nos. 7200-x, 13473-x.)

On August 10, 1927, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Carl W. Schmidt, trading as Faith Creamery Co., Faith, S. Dak., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 18, 1926, from the State of South Dakota into the State of New York, of quantities of butter which was adulterated.

It was alleged in the information that the article was adulterated in 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 said article purported to be.

On September 8, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15980. Adulteration of butter. U. S. v. 8 Cubes, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23075, 23078. I. S. Nos. 036, 037, 081. S. Nos. 1108, 1109.)

On August 10 and August 20, 1928, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 76 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Cudahy Packing Co., from Portland, Ore., in part July 28, 1928, and in part August 1, 1928, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and in that a valuable constituent, namely, butterfat, had been in part abstracted.

On August 20, 1928, the Cudahy Packing Co., San Francisco, Calif., having appeared as claimant for the property 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 costs, and the execution of bonds totaling \$2,655, conditioned in part that it be made to conform with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15981. Misbranding of tomato catsup. U. S. v. 364 Cases, et al., of Tomato Catsup. Consent decrees adjudging product misbranded and ordering it released under bond. (F. & D. Nos. 22922, 22924. I. S. Nos. 01179 to 01184, incl. S. Nos. 987, 988.)

On July 31, 1928, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and