

It was alleged in substance in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, contained worms and decayed cherries.

On June 14, 1929, 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.*

**16613. Adulteration of catsup. U. S. v. 15 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23837. I. S. No. 08042. S. No. 2045.)**

On June 27, 1929, the United States attorney for the Eastern District of Pennsylvania, 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 15 cases of catsup, remaining in the original unbroken packages at Chester, Pa., consigned by W. M. Harris & Sons, Wyoming, Del., alleging that the article had been shipped from Wyoming, Del., on or about May 28, 1929, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Harris' Star Brand Sweet Catsup \* \* \* Packed by W. M. Harris & Sons, Wyoming, Delaware."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance, an examination of a sample of the article showing the presence of mold.

On July 16, 1929, 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.*

**16614. Adulteration of walnut meats. U. S. v. 110 Boxes, et al., of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23772. I. S. Nos. 09711, 09712, 09713. S. No. 1960.)**

On or about May 20, 1929, 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 110 boxes and 850 cartons of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Leon Mayer, from Los Angeles, Calif., in part November 9, 1928, and in part December 17, 1929 (1928), and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Special Standard Amber Shelled Walnuts." The remainder of the said article was labeled in part: "Special Standard Ambers Packed for Gray, McLean and Percy, Bakers Supply Dealers in California Walnuts Seattle, Wash. (or "Portland, Oregon")"

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

On May 21, 1929, Gray, McLean & Percy, Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered. The decree provided, however, that the product might be delivered to the said claimant to be reconditioned in manner satisfactory to this department upon payment of costs and the deposit of \$2,000 collateral, to insure compliance with the terms of the said decree.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16615. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23884. I. S. No. 02965. S. No. 2051.)**

On June 21, 1929, 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 20 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Marigold Dairies, from Faribault, Minn., on or before June 19, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to

reduce or 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.

On June 27, 1929, the Bryan-Duvall Co. (Inc.), New York, N. Y., 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 upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16616. Adulteration and misbranding of feed. U. S. v. The Deal Bros. Milling Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 22601. I. S. Nos. 20378-x, 20379-x, 20380-x, 20381-x.)**

At the May, 1929, term of the United States District Court for the District of Maryland, held at Cumberland, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Deal Bros. Milling Co., a corporation, Cumberland, Md., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about December 31, 1927, January 12, February 27, and March 16, 1928, respectively, from the State of Maryland, in part into the State of West Virginia, and in part into the State of Virginia, of quantities of feed, a portion of which was misbranded, and the remainder of which was adulterated and misbranded. The article was labeled in part, variously: "Ho-Mo Dairy Feed Analysis Protein 24% Fat 7% Fibre 10% Ingredients Corn Gluten Feed, Cotton Seed Meal, Oil Meal, Wheat Bran, Ground Oats, Corn Feed Meal, Salt. Manufactured by The Deal Bros. Milling Co. Cumberland, Md.;" "Jersey Brand Scratch Feed \* \* \* Analysis Protein 10% \* \* \* Manufactured By The Deal Bros. Milling Co. Cumberland, Md.;" "Jersey Dairy Feed 16% Analysis Protein 16% \* \* \* Fiber 12% Ingredients Wheat Bran, Ground Corn, Corn Gluten Feed, Cotton Seed Meal, Oil Meal, Reground Oats, Feed, Salt. Manufactured By The Deal Bros. Milling Co. Cumberland, Md."

Adulteration was alleged in the information with respect to the Ho-Mo dairy feed for the reason that a product deficient in protein, fat, oil meal, wheat bran, and ground oats, and which contained excessive crude fiber, undeclared flax by-product, and oat mill by-product had been substituted for a product composed wholly of corn gluten feed, cottonseed meal, oil meal, wheat bran, ground oats, corn feed meal, and salt, which the article purported to be. Adulteration of the Jersey dairy feed was alleged for the reason that a product deficient in protein, wheat bran, and oil meal, and which contained excessive crude fiber and an undeclared flax by-product, with respect to a portion of the product, and a product deficient in protein, wheat bran, corn gluten feed, and oil meal, and which contained excessive crude fiber, with respect to the remainder of the said product, had been substituted for a product composed wholly of wheat bran, ground corn, corn gluten feed, cottonseed meal, oil meal, reground oats, feed, and salt, which the article purported to be.

Misbranding of the Ho-Mo dairy feed was alleged for the reason that the statements, to wit, "Ingredients Corn Gluten Feed, Cotton Seed Meal, Oil Meal, Wheat Bran, Ground Oats, Corn Feed Meal, Salt," and "Analysis Protein 24% Fat 7% Fibre 10%," borne on the sacks containing the article, were false and misleading in that the said statements represented that the said article consisted wholly of corn gluten feed, cottonseed meal, oil meal, wheat bran, ground oats, corn feed meal, and salt, and contained not less than 24 per cent of protein, not less than 7 per cent of fat, and not more than 10 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of corn gluten feed, cottonseed meal, oil meal, wheat bran, ground oats, corn feed meal, and salt, and contained not less than 24 per cent of protein, not less than 7 per cent of fat, and not more than 10 per cent of fiber, whereas said article did not consist wholly of the said declared ingredients but did consist of a product deficient in oil meal, wheat bran, and ground oats, and which contained an excessive undeclared flax by-product and an excessive oat mill by-product, and which contained less than 24 per cent of protein, less than 7