

16989. Misbranding of butter. U. S. v. 4 Cases, et al., of Butter. Decrees of condemnation entered. Product released under bond. (F. & D. No. 23891. I. S. Nos. 07310, 07311. S. No. 1847.)

On or about April 9, 1929, the United States attorney for the District of Montana, 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 9 cases of butter, remaining in the original unbroken packages at Butte, Mont., alleging that the article had been shipped by Armour Creameries, from Pocatello, Idaho, in two consignments, on or about March 14, and March 15, 1929, respectively, and transported from the State of Idaho into the State of Montana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Case) "759 P. Long Royal 30 Lb;" (carton) "Royal Butter 16 Ounces Net Weight." The remainder of the said article was labeled in part: (Case) "760 P This Box contains 60 1-Lb Cloverbloom Parchment Eastern;" (parchment wrapper) "1-Lb. Net Weight Highest Grade Cloverbloom Creamery Butter, Armour and Company, Distributors, General Offices, Chicago."

Misbranding of the article was alleged in substance in the libels for the reason that the statements on the cases and on the parchment wrappers and cartons were false and misleading and deceived and misled the purchaser, in that the said statements represented that the cases contained 30 pounds or 60 pounds, as the case might be, of butter, and that the parchment wrappers and cartons each contained 1 pound of butter, whereas the cases contained less than declared on the labels, and the parchment wrappers and cartons contained less than 1 pound of butter. Misbranding was alleged for the further reason that the quantity of the contents was not marked on the outside of the package in terms of weight, measure, or numerical count.

On June 20, 1929, Armour & Co., Chicago, Ill., having appeared as claimant for the property, judgments of condemnation 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 \$500, conditioned in part that it should not be sold or disposed of until reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16990. Adulteration of Brazil nuts. U. S. v. 113 Bags of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24384. I. S. No. 028547. S. No. 2595.)

On December 18, 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 113 bags of Brazil nuts, remaining in the original unbroken packages at New York, N. Y., consigned by Higson Jones & Co., Manaus, Brazil, alleging that the article had been shipped from a foreign country, to wit, Brazil, to New York, N. Y., on or about July 19, 1929, 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 consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, rancid, decomposed, moldy, wormy, and empty nuts.

On January 6, 1930, Wm. A. Higgins & 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 \$1,500, conditioned in part that it be sorted to separate the good nuts from the bad, and that the bad portion be denatured or destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16991. Misbranding of butter. U. S. v. 5 Cases of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 23032. I. S. No. 24715-x. S. No. 941.)

On June 29, 1928, the United States attorney for the Northern 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 cases of butter at Syracuse, N. Y., alleging that the article had been shipped by the Sunshine Creamery Co., from St. Paul, Minn., on or about June 22, 1928, and transported from the State of Minnesota into the State of New York, and charging misbranding in violation of the food and drugs act as

amended. The article was labeled in part: (Carton) "1 Lb. Net Wt. Sunshine Creamery Company Butter."

It was alleged in the libel that the article was misbranded in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct.

On September 13, 1928, by consent of the intervenor, 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.*

16992. Adulteration of canned tomatoes. U. S. v. 1097 Cases of Canned Tomatoes. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 23879. I. S. No. 01161. S. No. 2070.)

On or about July 16, 1929, the United States attorney for the Western District of Oklahoma, 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 1,097 cases of canned tomatoes at Altus, Okla., consigned by the Rio Grande Valley Canning Co., Pharr, Tex., June 12, 1929, alleging that the article had been shipped in interstate commerce from Pharr, Tex., to Altus, Okla., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Rio Grande Brand Hand-Packed Tomatoes * * * Packed by Rio Grande Valley Canning Company, Pharr, Texas."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, paragraph 6, in that said article showed decomposition.

On November 12, 1929, the court having found that the product was unfit for food, and the claimant 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16993. Adulteration and misbranding of vanilla extract. U. S. v. 474 Bottles, et al., of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24086. I. S. Nos. 019851, 019852. S. No. 2331.)

On or about October 1, 1929, the United States attorney for the District of Kansas, 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 four hundred and seventy-four 4-ounce bottles and one hundred and seventeen 16-ounce bottles of vanilla extract at Fort Leavenworth, Kans., consigned by the Atlanta Supply Co., Atlanta, Ga., alleging that the article had been shipped from Atlanta, Ga., on or about August 30, 1929, and transported from the State of Georgia into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Flavoring Extract Vanilla * * * Manufactured by The Atlanta Supply Company, Atlanta, Georgia."

It was alleged in the libel that the article was adulterated in that an artificially colored imitation product had been substituted in part for the said article, and had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Flavoring Extract Vanilla," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On January 8, 1930, 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.*

16994. Adulteration of cull poultry. U. S. v. 1 Barrel of Cull Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24340. I. S. No. 028686. S. No. 2606.)

On December 12, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the