

Misbranding was alleged for the reason that the statements on the label, "Genuine Colby," "Wisconsin No. 1," and "Cheese," were false and misleading and deceived and misled the purchaser.

On December 31, 1929, the H. A. Dreves Co., Minneapolis, Minn., having appeared as claimant for the property, judgment of condemnation 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 \$500, conditioned in part that it be ground and disposed of in a manner approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17424. Misbranding of cottonseed cake. U. S. v. 400 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24571. I. S. No. 030775. S. No. 2881.)

On February 27, 1930, 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 praying seizure and condemnation of 400 sacks of cottonseed cake, remaining in the original unbroken packages at Hordspur, near Plattsburg, Mo., alleging that the article had been shipped by the Cairo Meal & Cake Co., Cairo, Ill., on or about February 10, 1930, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Miss Cairo Brand, * * * 43% Protein Cottonseed Meal—Prime Quality—Guaranteed Analysis Crude Protein not less than 43 per cent."

It was alleged in the libel that the article was misbranded in that the statements on the label, "43% Protein," and "Protein not less than 43 per cent," were false and misleading and deceived and misled the purchaser, when applied to an article containing a less amount of protein.

On March 17, 1930, the Cairo Meal & Cake Co., Decatur, Ill., 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 ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to law. The decree contained the further provision that the product should not be sold until salvaged and relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17425. Adulteration of canned salmon. U. S. v. 1,543 Cases, et al., of Canned Salmon. Claim and answer filed for portion of product; tried to the court; judgments of condemnation, forfeiture, and destruction. Default decrees of condemnation, forfeiture, and destruction entered with respect to remainder. (F. & D. Nos. 24264, 24294, 24295, 24297, 24298, 24299, 24300. I. S. Nos. 04006, 021549, 021550. S. Nos. 2517, 2554.)

On or about November 19, December 7, and December 11, 1929, respectively, the United States attorney for the Northern District of Georgia, 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 2,579 cases of canned salmon, in various lots at Atlanta, Griffin, and Gloster, Ga., respectively, alleging that the article had been shipped by R. Damus from Seattle, Wash., in part on or about September 17, 1929, and in part on or about October 22, 1929, and transported from the State of Washington into the State of Georgia, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Meadow Lark Brand Sockeye Salmon Packed by Pacific Coast and Norway Packing Company Petersburg, Alaska." The remainder of the said article was labeled in part: "Open Sea Brand, Red Alaska Salmon * * * Packed for Rothwell & Co., Inc., Seattle, Wash."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid animal substance.

On December 24, 1929, and January 23, 1930, respectively, no claimant having appeared for portions of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said portions be destroyed by the United States marshal.

On January 29, 1930, claimants having appeared and filed answers controverting the essential allegations of the libels filed with respect to 2,054 cases of the product seized at Atlanta, Ga., the cases came on for trial before the court. Evidence was introduced at the trial on behalf of the claimants and the Government. The court found that the essential allegations of the libels were sustained by proof, and ordered that the said 2,054 cases of the product be condemned, forfeited, and destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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