

juriously affect its quality; in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article; in that a valuable constituent of the article, butterfat, had been in part abstracted; and that it contained less than 80 per cent of butterfat.

On July 26, 1929, Hunter, Walton & Co., Chicago, Ill., claimant, having appeared as claimant for the property, 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 \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17537. Adulteration and misbranding of butter. U. S. v. 40 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24969. I. S. No. 2922. S. No. 3298.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On July 25, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 tubs of butter, remaining in the original unbroken packages at Baltimore, Md., consigned about July 19, 1930, alleging that the article had been shipped by the Fred C. Mansfield Corporation, from Wautoma, Wis., and had been transported from the State of Wisconsin into the State of Maryland, 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 substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the label bore the statement "Butter," which was false and misleading and deceived and misled the purchaser.

On July 28, 1930, H. L. Piel Co., Baltimore, Md., having appeared as claimant for the property, 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 \$1,400, conditioned in part that it should not be sold or disposed of until reconditioned and labeled to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17538. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25045. I. S. No. 2383. S. No. 3332.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On July 30, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter at Jersey City, N. J., alleging that the article had been shipped by the Universal Carloading & Distributing Co., from Mankato, Minn., on or about July 21, 1930, in interstate commerce into the State of New Jersey, having originated with the Model Dairy Co., Mankato, Minn., 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, 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 August 12, 1930, the Model Dairy Co. (Inc.), Mankato, Minn., 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 \$200, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the Federal food and drugs act and all laws relating thereto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17539. Misbranding of wheat bran and wheat middlings. U. S. v. 200 Sacks of Wheat Bran, et al. Decree of condemnation entered. Products released under bond to be repacked. (F. & D. No. 24240. I. S. Nos. 013302, 013303. S. No. 2472.)

Sacks of wheat bran and wheat middlings from the herein described interstate shipment having been examined and found to contain less than 100 pounds, the weight declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the District of Minnesota.

On November 13, 1929, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 200 bags of wheat bran and 200 bags of wheat middlings at Duluth, Minn., alleging that the articles had been shipped by the Rugby Milling Co., Rugby, N. Dak., on October 16, 1929, and had been transported from the State of North Dakota into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Bag) "100 Pounds Net when packed Pure Wheat Bran, the Rugby Milling Co., Rugby, N. D.;" and "100 Pounds Net when packed Rich Standard Middlings, The Rugby Milling Co., Rugby, N. D."

It was alleged in the libel that the articles were misbranded in that the statement on the label, "100 Pounds Net," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the bags was not correct.

On May 26, 1930, the Rugby Milling Co., Rugby, N. Dak., 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 the payment of costs and the execution of bond in the sum of \$26.24, conditioned in part that it should not be sold or otherwise disposed of until repacked and brought up to the proper weight under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17540. Adulteration and misbranding of cottonseed meal. U. S. v. 80 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24500. I. S. No. 016955. S. No. 2801.)

Samples of a product labeled as cottonseed meal from the herein described interstate shipment having been found to be cottonseed feed containing less protein than declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of North Carolina.

On February 3, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 80 sacks of cottonseed meal, remaining in the original unbroken packages at Elkin, N. C., alleging that the article had been shipped by the Kershaw Oil Mill, from Kershaw, S. C., on or about January 1, 1930, and had been transported from the State of South Carolina into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Palmetto Brand Good Cotton Seed Meal Manufactured by Kershaw Oil Mill, Kershaw, South Carolina. * * * Protein * * * 36 per cent."

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

Misbranding was alleged for the reason that the label bore the statements "Cottonseed Meal * * * Protein 36 per cent," which were false and misleading and deceived and misled the purchaser, since the article contained less than 36 per cent of protein.

On July 24, 1930, the Kershaw Oil Mill, Kershaw, S. C., 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