

ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled as cottonseed feed containing 33 per cent of protein, equivalent to 6.4 per cent of ammonia.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17541. Adulteration and misbranding of tomato catsup. U. S. v. 35½ Cases of Tomato Catsup. Default decree of forfeiture and destruction. (F. & D. No. 24603. I. S. No. 025741. S. No. 2937.)

Samples of tomato catsup from the herein described interstate shipment having been found to contain decomposed material and to be artificially colored, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Oklahoma.

On or about March 10, 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 35½ cases of tomato catsup at Tulsa, Okla., alleging that the article had been shipped by the Rush Canning Co., Bentonville, Ark., on or about October 8, 1929, and had been transported from the State of Arkansas into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mid-Mountain Brand Tomato Catsup * * * Packed by Mid-Mountain Fruit Co., Bentonville, Ark."

It was alleged in the libel that the article was adulterated and misbranded in that it contained mold, filthy and putrid matter, and artificial coloring.

On July 2, 1930, the Rush Canning Co., Bentonville, Ark., having failed to plead or appear in the case, but having admitted the allegations of the libel, judgment of 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.*

17542. Misbranding and alleged adulteration of butter. U. S. v. 7 Cases of Butter. Decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 24970. I. S. No. 879. S. No. 3288.)

Samples of print butter from the herein described interstate shipment having been found to contain less than 80 per cent of milk fat, and to be short weight, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Washington.

On July 12, 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 7 cases of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Red Rock Creamery, Kent, Wash., on or about July 11, 1930, to Seattle, Wash., to be shipped in interstate commerce to Alaska, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Prints) "Red Rock Butter—One Pound Net. Red Rock Creamery, Kent, Washington."

It was alleged in the libel that the article was adulterated in that a product containing 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 of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter," which was false and misleading, since it contained less than 80 per cent of milk fat; in that it was labeled "One Pound Net," which was false and misleading, since the package contained less than 1 pound net; and in that it was 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 package was not correct.

On July 21, 1930, the Red Rock Creamery Co., Kent, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, the said decree providing that the product might be released to the claimant, for reconditioning under the supervision of this department, upon payment of costs and the deposit of cash bond conditioned in part that it should not be disposed of contrary to law. On August 11, 1930, the product having been found unfit for reconditioning, it was ordered by the court that the butter be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*