

On January 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 83 cases of canned prunes, remaining in the original unbroken packages at Hayward, Calif., alleging that the article had been shipped by Hunt Bros. Packing Co., Salem, Oreg., on or about January 5, 1931, and had been transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Forest Brand Italian Prunes * * * Hunt Bros. Packing Co., * * * Main Office San Francisco, Calif."

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

On June 10, 1931, 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.*

18580. Adulteration and misbranding of butter. U. S. v. 30 Boxes of Butter. Product ordered released under bond to be reworked. (F. & D. No. 24995. I. S. No. 036857. S. No. 3299.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On June 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 boxes, each containing 32 pounds of butter, remaining in the original unbroken packages at South St. Paul, Minn., alleging that the article had been shipped by the Lidgerwood Creamery Co., from Lidgerwood, N. Dak., May 29, 1930, and had been transported from the State of North Dakota into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company."

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 July 3, 1930, Swift & Co., South St. Paul, Minn., having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered finding the allegations of the libel to be true and ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18581. Adulteration and misbranding of butter. U. S. v. 25 Boxes of Butter. Product released under bond to be reworked. (F. & D. No. 24994. I. S. No. 036873. S. No. 3241.)

Examination of butter from the shipment herein described having shown that the samples contained less than 80 per cent of milk fat, the standard provided by Congress, and that the quantity of the contents was not declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On June 21, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 boxes, each containing 30 pounds of butter, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Prime Cheese Co., from Stanley, Wis., June 12, 1930, and had been transported from the State of Minnesota into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended.

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, and for the further reason 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.

On July 7, 1930, the Prime Cheese Co., Stanley, Wis., having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered finding the allegations of the libel to be true and ordering that the product be delivered to a creamery company designated by the claimant, upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18582. Adulteration and misbranding of ground mill oats. U. S. v. 200 Sacks of Oats. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 25765. I. S. No. 14534. S. No. 3999.)

Samples of ground mill oats from the shipment herein described having been found to consist essentially of oat mill feed, with a large amount of fibrous hull material and a very small amount of starch present therein, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of South Carolina.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 sacks of oats (ground mill oats) at Newberry, S. C., alleging that the article had been shipped by the Charleston Milling & Produce Co., from Charleston, W. Va., on or about October 9, 1929, and had been transported from the State of West Virginia into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was invoiced as "Ground Mill Oats."

It was alleged in the libel that the article was adulterated in that a substance, oat mill feed, had been mixed and packed with and substituted in whole or in part for ground mill oats, which the said article was represented to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On June 1, 1931, 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 sold by the United States marshal as "Oat Mill Feed, Protein 4.65 per cent, crude fiber 29 per cent," and if such sale be found impracticable that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18583. Adulteration of canned frozen eggs. U. S. v. 15 Cans of Frozen Eggs. Decree of condemnation entered. Product released under bond. (F. & D. No. 25977. I. S. No. 15108. S. No. 4255.)

Samples of canned frozen eggs from the shipment herein described having been found to be putrid, sour, or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On March 3, 1931, the United States attorney filed in the District Court of the United States for the District aforesaid a libel praying seizure and condemnation of 15 cans of frozen eggs, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Morning Glory Creamery, Houston, Tex., on or about June 9, 1930, and had been transported from the State of Texas into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Keith's Eggs * * * Kaoka Whole Eggs with about 1% cane sugar, $\frac{1}{2}$ of 1% salt. H. J. Keith Co., Boston, New York, Chicago."

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

On June 10, 1931, H. J. Keith & Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant for the purpose of separating the good from the bad, upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold or disposed of until inspected by a representative of this department, and it was further ordered that the unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*