

The Zenith-Godley Co. (Inc.), New York, N. Y., agent for the North Kingston Dairy Association, Kimball, Minn., interposed a claim for the product, admitted the allegations of the libel, and consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On October 7, 1931, 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 so that it comply with the Federal food and drugs act and all laws, Federal and State.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18903. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27128. I. S. No. 39757. S. No. 5298.)

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

On October 2, 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 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Sheldon Creamery, Sheldon, Wis., September 17, 1931, and had been transported from the State of Wisconsin into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tub) "Hunter Walton & Co. New York."

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 March 4, 1923; and in that the article was deficient in butterfat.

Hunter, Walton & Co., New York, N. Y., interposed a claim for the product as agent for the Sheldon Cooperative Creamery, Sheldon, Wis., and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent by weight of butterfat. On October 7, 1931, 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 \$500, conditioned in part that it be reworked so that it comply with the requirements of the Federal food and drugs act and all laws, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18904. Misbranding of corn meal. U. S. v. 528 Sacks of Meal, et al. Default decrees of destruction entered. (F. & D. Nos. 26446, 26447. I. S. Nos. 24318, 24320, 24321, 24322. S. Nos. 4730, 4732.)

Samples of corn meal from the shipments herein described having been found short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On May 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,728 sacks 24 pounds each, 40 sacks 98 pounds each, and 100 sacks 10 pounds each of meal, remaining in the original unbroken packages in part at Vicksburg, Miss., and in part at Natchez, Miss., alleging that the article had been shipped by the Shreveport Grain & Elevator Co., Shreveport, La., in part on or about May 5, 1931, and in part on or about May 9, 1931, and had been transported from the State of Louisiana into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: (Sacks) "Marshall Mill & Elevator Co. Acorn Meal Marshall Texas Manufactured by Shreveport Grain and Elev. Co. 24 Lbs. Net When Packed;" "Manufactured for Marshall Mill & Elevator Co. Acorn Meal Marshall Texas 98 Lbs. Net When Packed;" "Red Head Meal 24 lbs. Net When Packed;" "Red Head Meal 10 lbs. Net."

It was alleged in the libels that the article was misbranded in that the statements of net weight appearing on the sacks were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and failed to bear a plain and

conspicuous statement of the quantity of the contents, since the statements made were incorrect.

On November 19, 1931, decrees were entered finding the allegations of the libels to be true, and ordering that the United States marshal destroy the three 24-pound sacks and one 98-pound sack of Acorn meal, and the forty-nine 24-pound sacks and fifty-four 10-pound sacks of Red Head meal which had been seized.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18905. Adulteration and misbranding of butter. U. S. v. 56 Cubes of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 27040. I. S. Nos. 11724, 11825. S. No. 5134.)

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 Southern District of California.

On July 29, 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 56 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Farmers Cooperative Association (Farmers Cooperative Producers Association), from Idaho Falls, Idaho, on or about July 20, 1931, and had been transported from the State of Idaho into the State of California, 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 product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the article was a compound and blend and did not contain a label so stating.

On November 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The court having found that the product contained no deleterious matter and was fit for human consumption, ordered that it be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18906. Adulteration of canned frozen whole eggs. U. S. v. 259 Cans of Frozen Whole Eggs. Decree entered by consent. Product taken down under bond to be sorted; good portion released and bad portion destroyed or denatured. (F. & D. No. 27047. I. S. No. 38711. S. No. 5283.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On October 7, 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 259 cans of frozen whole eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by Kadane Brown, from Dallas, Tex., on or about September 30, 1931, and had been transported from the State of Texas into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Eggs American Albumen Corporation Frozen Eggs * * * New York—Dallas."

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 October 21, 1931, the Pacific Commonwealth Corporation of California, New York, N. Y., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that the cans containing bad eggs be separated from the cans containing good eggs, under the supervision of this department, and that the cans set aside as containing decomposed material be destroyed or denatured so that they could not be used for food.

ARTHUR M. HYDE, *Secretary of Agriculture.*