

Misbranding was alleged for the reason that the article was sold and shipped as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On December 7, 1931, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and 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 said claimant for reworking, under the supervision of this department, 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 the provisions of the food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19280. Adulteration of lima beans. U. S. v. 77 Cases of Lima Beans. Consent decree of forfeiture and destruction. (F. & D. No. 26956. I. S. No. 40201. S. No. 5168.)

Samples of canned lima beans involved in this action were found to contain sand burrs, weed seeds, and other foreign substances. The article had been shipped from Wisconsin to Missouri and had been returned to the original shipper, the Poynette Canning Co., Poynette, Wis.

On September 11, 1931, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 77 cases of lima beans, remaining in the original unbroken packages at Poynette, Wis., alleging that the article had been shipped on or about April 9, 1930, by the Stocker-Hausman Co., from St. Louis, Mo., and had been transported in interstate commerce from the State of Missouri into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Green Dell Brand Medium Green Lima Beans * * * Poynette Canning Co., Poynette, Wis."

If was alleged in the libel that the article was adulterated in that sand burrs, weed seeds, foreign stems, and other foreign substances had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted partly for the said article.

On September 26, 1931, by consent of the owner, 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.*

19281. Adulteration and misbranding of salad oil. U. S. v. 48 Cartons of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23961. I. S. No. 08189. S. No. 2187.)

Examination of samples of salad oil from the shipment herein described having shown that the article contained undeclared added color and was short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On August 19, 1929, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 cartons of salad oil, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by Van Camp Packing Co., of Louisville, Ky., from Cincinnati, Ohio, on July 1, 1929, and had been transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Contadina Brand Oil—Pure Vegetable Salad Oil—Five Gallons Net—Contadina Oil Co., New York."

Adulteration was alleged in the libel for the reason that an artificially colored oil had been substituted for the article.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, pure vegetable salad oil, since it was not pure vegetable salad oil in that it contained undeclared artificial color; misbranding was alleged for the further reason that the statement "Five Gallons Net" was false and misleading and deceived and misled the purchaser, and for the further reason

that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 30, 1932, 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.*

19282. Misbranding and alleged adulteration of gray wheat shorts with wheat screenings. U. S. v. 1,000 Sacks of Wheat Shorts. Product adjudged misbranded. Released under bond to be retagged. (F. & D. No. 27292. I. S. Nos. 36354, 36355. S. No. 5465.)

Samples of feed taken from the shipments herein described having been found to consist of brown shorts and to contain more fiber than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On November 27, 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 1,000 sacks of alleged wheat shorts with wheat screenings at Springfield, Mo., alleging that the article had been shipped in part on or about August 8, 1931, and in part on or about August 15, 1931, by the Kansas Mill & Elevator Co., from Arkansas City, Kans., and had been transported in interstate commerce from the State of Kansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 lbs. Net Gray Wheat Shorts with Wheat Screenings * * * Fibre not more than 5.5 per cent. Manufactured by the Kansas Mill and Elevator Co. * * * Arkansas City, Kansas."

It was alleged in the libel that the article was adulterated in that brown shorts had been substituted wholly for gray shorts with wheat screenings.

Misbranding was alleged for the reason that the statements, "Gray Wheat Shorts with Wheat Screenings" and "Fibre not more than 5.5 per cent," were false and misleading and deceived and misled the purchaser, since the product consisted wholly of brown shorts, and contained more than 5.5 per cent of fiber; misbranding was further alleged in that it was sold under the distinctive name of another article, to wit, gray wheat shorts with wheat screenings.

On February 20, 1932, the Kansas Mill & Elevator Co., Arkansas City, Kans., having admitted the allegations of the libel, and having consented to condemnation and forfeiture of the property, a decree was entered adjudging the product misbranded, and it was ordered by the court that the said product be delivered to the 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 until retagged "Brown Wheat Shorts and Screenings," and further conditioned that it should not be sold contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19283. Adulteration of butter. U. S. v. Earl McPeak. Plea of guilty. Fine, \$20. (F. & D. No. 26615. I. S. Nos. 036596, 036598.)

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

On August 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Earl McPeak, Manawa, Wis., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 24, 1930, from the State of Wisconsin into the State of Illinois, of quantities of butter that was adulterated.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On November 4, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*