

20674. Adulteration of cottonseed cake. U. S. v. 175 Sacks of Cottonseed Cake. Consent decree of condemnation. Product released under bond. (F. & D. no. 29604. Sample no. 19807-A.)

This action involved the interstate shipment of a quantity of cottonseed cake that was moldy and weevil-infested.

On September 26, 1932, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 175 sacks of cottonseed cake, remaining in the original unbroken packages at Osborne, Kans., alleging that the article had been shipped in interstate commerce on or about August 3, 1932, by the Texas Refining Co., from Greenville, Tex., to Osborne, Kans., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was infested with live weevils, and was also decomposed, rotten, moldy and decayed to such an extent that it was unfit for use as feed.

On September 26, 1932, the Texas Refining Co., Greenville, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered finding the product adulterated as charged in the libel and ordering that it be condemned. It was further ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, the terms of the bond requiring that the goods should not be sold or offered for sale or used for any purpose whatsoever, except in strict compliance with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20675. Adulteration of mixed nuts. U. S. v. 90 Cartons of Mixed Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29610. Sample no. 26537-A.)

This action involved an interstate shipment of mixed nuts. The Brazil nuts in the mixture were found to be in part worm-eaten, moldy, rancid, and decomposed.

On December 8, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 90 cartons, each containing 25 pounds of mixed nuts, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped on or about November 21, 1932, by the Graham Co., Inc., from New York, N. Y., to Washington, D. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "The Graham Brand Mixed Nuts The Mixture of No Apologies Native and Foreign Nuts."

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

On December 13, 1932, the Graham Co., New York, N. Y., 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 claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws. In accordance with the decree permitting release, the lot was hand picked and four bags of approximately 400 pounds of Brazil nuts were destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20676. Adulteration and misbranding of cheese. U. S. v. 26 Boxes, et al., of Cheese. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29684. Sample nos. 4439-A, 28634-A, 28638-A, 28639-A.)

This case involved the interstate shipment of quantities of cheese that was found to be deficient in fat.

On or about January 3, 1933, the United States attorney for the Northern District of Illinois, 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 96 boxes of Longhorn cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce, November 1, 1932, by Pauly & Pauly, from Green Bay, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled variously: "Wisconsin State Brand * * * Brookfield"; "Wisconsin Factory * * * Brookfield Brand, State Brand"; "Wisconsin Factory * * * State Brand"; or "Brookfield Brand, Wisconsin Factory * * * Wisconsin State Brand"; and was invoiced as "Longhorn Cheese."

It was alleged in the libel that the article was adulterated in that a substance deficient in fact had been substituted for cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, since it was invoiced as "Longhorn Cheese."

On February 8, 1933, Swift & Co., Chicago, Ill., 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 to be manufactured into pasteurized process cheese, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of in violation of the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20677. Adulteration of butter. U. S. v. 95 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. no. 29743. Sample nos. 31033-A, 31035-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On December 19, 1932, the United States attorney for the Western District of Washington, 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 95 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., consigned by Armour Creameries, alleging that the article had been shipped in interstate commerce on or about November 26, 1932, from Pocatello, Idaho, to Seattle, Wash., and charging adulteration 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 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On January 6, 1933, Armour & Co., 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 claimant to be reworked, under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$750, conditioned that it should not be disposed of in violation of the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20678. Adulteration of butter. U. S. v. 320 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. no. 29733. Sample no. 27861-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On December 21, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 320 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 1, 1932, by the Farmers Union Cooperative Creamery Co., from Fremont, Nebr., to San Francisco, Calif., and charging adulteration 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 percent of butterfat had been substituted for the article.

On December 31, 1932, the Farmers United Cooperative Creamery 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 claimant upon payment of costs and the execution of a bond in the sum