

by the Secretary of Agriculture for such canned food, because of the presence of excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On October 10, 1933, the claimant having admitted the allegations of the libel, 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 \$100, conditioned that it be released under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21653. Misbranding of cottonseed meal. U. S. v. 690 Bags of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31020. Sample no. 14130-A.)

This action involved a shipment of cottonseed meal which contained less than 43 percent of protein, the amount declared on the label.

On August 28, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 690 bags of cottonseed meal at Gaithersburg, Md., alleging that the article had been shipped in interstate commerce on or about May 18, 1933, by the Transit Milling Co., from Houston, Tex., to Baltimore, Md., and had been reshipped from Baltimore, Md., to Gaithersburg, Md., on or about June 14, 1933, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Pinco Brand 43% Protein Cotton Seed Meal Prime Quality Manufactured by Maurice Pincoffs Company, Houston, Texas * * * Crude Protein, not less than 43%."

It was alleged in the libel that the article was misbranded in that the statements on the label, "43% Protein * * * Crude Protein not less than 43%", were false and misleading and deceived and misled the purchaser.

On September 8, 1933, Maurice Pincoffs Co., Houston, Tex., 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 of \$1,000, conditioned in part that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21654. Adulteration of chocolate coatings. U. S. v. 12 Boxes of Chocolate Coatings. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31013. Sample no. 45967-A.)

This case involved a lot of chocolate coatings in which the large cakes were found to be broken, water-soaked, and caked with dried mud. Dirty, soggy wrappers were mixed through the mass, and the product also had a foul odor.

On August 29, 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 a libel praying seizure and condemnation of 12 boxes of chocolate coatings at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 15, 1933, by the Warfield Chocolate Co., from Denver, Colo., 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 consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 9, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21655. Adulteration and alleged misbranding of butter. U. S. v. 22 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30996. Sample no. 29712-A.)

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

On July 28, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 22 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 20, 1933, by the Ada County Dairymen's Association, from Meridian, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ada County Dairymen's Assn. Meridian Idaho Bulk Butter."

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.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 5, 1933, the Ada County Dairymen's Association, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture. 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 \$350, conditioned in part that it be reworked under the supervision of this Department, so that it meet the requirements of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21656. Misbranding of bone meal. U. S. v. 360 Bags of Cico Brand Bone Meal. Consent decree of condemnation. Product released under bond to be resacked. (F. & D. no. 30994. Sample no. 19838-A.)

This case involved an interstate shipment of bone meal that was found to be short of the labeled weight.

On August 12, 1933, the United States attorney for the District of Kansas, acting upon a report by a representative of the Kansas State Board of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bags of Cico brand imported steamed odorless bone meal at Topeka, Kans., alleging that the article had been shipped on or about June 16, 1933, by the Consumers Import Co., Inc., of New York, N.Y., from Galveston, Tex., to Topeka, Kans., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "C. I. Co. 100# Net. Made in Germany. Fine."

It was alleged in the libel that the article was misbranded in that each bag was represented to contain 100 pounds net weight, whereas each bag contained less than 100 pounds net weight.

On October 9, 1933, Forbes Bros. Central Mills, Topeka, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation 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 \$100, conditioned that it be resacked under the supervision of the Kansas State Board of Agriculture.

M. L. WILSON, *Acting Secretary of Agriculture.*

21657. Adulteration of crab meat. U. S. v. 84 Pounds of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30965. Sample no. 44115-A.)

This case involved an interstate shipment of crab meat that was found to contain filth and was also in part decomposed.

On or about August 10, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 7, 1933, by F. H. Ayers & Son, from Norfolk, Va., 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 consisted in whole or in part of a filthy and decomposed animal substance.

On November 6, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*