

the said article contained approximately 38.48 per cent of protein and approximately 13.90 per cent of crude fiber.

On May 12, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75.

HOWARD M. GORE, *Secretary of Agriculture.*

12512. Misbranding of oats. U. S. v. 520 Sacks of Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18701. I. S. No. 12317-v. S. No. C-4376.)

On or about April 2, 1924, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 520 sacks of oats remaining in the original unbroken packages at Pittsburg, Kans., alleging that the article had been shipped by the General Commission Co., Kansas City, Mo., on or about March 13, 1924, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in substance in the libel for the reason that it was [food] in package form and bore no label, mark, or brand of any character showing the net weight thereof. Misbranding was alleged for the further reason that the article was in package form and purported to be 96 pounds per sack, net weight, as was shown by the invoice and freight bill, whereas in truth and in fact, the sacks contained a materially less amount than 96 pounds net weight.

On June 26, 1924, 8 sacks of the product having been seized and no claimant having appeared therefor, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12513. Adulteration of walnuts. U. S. v. 100 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18148. I. S. No. 12605-v. S. No. E-4635.)

On December 10, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 bags of walnuts remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by William A. Camp & Co. from New York, N. Y., on or about November 5, 1923, and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On April 15, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12514. Adulteration and misbranding of oats. U. S. v. 250 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18794. I. S. No. 19525. S. No. C-4420)

On or about June 19, 1924, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of oats at Walnut Ridge, Ark., alleging that the article had been shipped by Thistlewood & Co. from Cairo, Ill., on or about June 12, 1924, and transported from the State of Illinois into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Crescent Brand Sample Oats Sulphur Bleached 150 $\frac{1}{4}$ Lbs. Net When Packed."

Adulteration of the article was alleged in the libel for the reason that a mixture containing barley, unthreshed wheat, wild oats, weed seeds, and stems had been mixed and packed with and substituted wholly or in part for the said article, in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the designation, "Sample Oats," was false and misleading and deceived and misled the purchaser, and for the

further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On July 29, 1924, A. J. Meyer & Co., Walnut Ridge, Ark., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Oats and Screenings."

HOWARD M. GORE, *Secretary of Agriculture.*

12515. Adulteration of shell eggs. U. S. v. Abner Offerle and Harry A. Offerle (Offerle Mercantile Co.). Plea of guilty by Abner Offerle. Fine, \$50 and costs. (F. & D. No. 17525. I. S. Nos. 7590-v, 7605-v.)

On September 4, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Abner Offerle and Harry A. Offerle, copartners, trading as Offerle Mercantile Co., Offerle, Kans., alleging shipment by said defendants, in violation of the food and drugs act in two consignments, namely, on or about August 22 and October 10, 1922, respectively, from the State of Kansas into the State of Colorado, of quantities of shell eggs which were adulterated. The article was labeled in part: (Case) "from Offerle Mercantile Co., Offerle, Kans."

Examination by the Bureau of Chemistry of this department of 1,980 eggs from the consignment of August 22 showed that 222, or 11.21 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings. Examination by said bureau of 2,700 eggs from the remaining consignment showed that 306, or 11.33 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 25, 1923, an order of the court having been entered allowing Abner Offerle to plead for both defendants, a plea of guilty to the information was entered, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12516. Adulteration and misbranding of butter. U. S. v. Cumberland Valley Creamery (Inc.), a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 16959. I. S. Nos. 3015-v, 3018-v, 3073-v, 8184-t, 8185-t, 8186-t, 8188-t, 8189-t, 8190-t.)

On March 12, 1923, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cumberland Valley Creamery (Inc.), a corporation, Nashville, Tenn., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about May 9, May 16, August 15, and August 17, 1922, respectively, from the State of Tennessee into the State of Georgia, of quantities of butter, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled in part, variously: (Package) "1 Lb. Net Pioneer Creamery Butter"; "One Pound Net Sunlight Creamery Butter Sunlight Creameries Washington C. H. Ohio"; "Lake View Creamery Butter Net Weight One Pound"; "Brookfield Creamery Butter 1 Lb. Net Weight." A portion of the Brookfield brand was enclosed in wrappers labeled in part, "4 Oz. Net Weight."

Examination by the Bureau of Chemistry of this department of a sample taken from each of the consignments showed that the packages contained less than 1 pound net of butter. Analyses of samples of the article by the said bureau showed that the Pioneer brand butter, the Lake View brand butter, and three of the four lots of the Sunlight brand butter contained excessive moisture and were deficient in milk fat.

Adulteration was alleged in the information with respect to the Pioneer brand butter, the Lake View brand butter, and three of the four lots of Sunlight brand butter for the reason that a product deficient in milk fat and containing an excessive amount of water had been substituted in whole or in part for creamery butter, which the said article purported to be.

Misbranding was alleged in substance for the reason that certain of the above-quoted statements, appearing in the labeling of the article, were false