

10755. Adulteration of oysters. U. S. v. George H. Stanford. Collateral of \$25 forfeited. (F. & D. No. 15003. I. S. Nos. 8712-t, 8816-t.)

On December 3, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against George H. Stanford, Washington, D. C., alleging that on January 14 and 18, 1921, respectively, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On December 3, 1921, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10756. Adulteration and misbranding of bran and screenings. U. S. v. 500 Sacks of Alleged Bran and Screenings. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 15303. I. S. No. 1037-t. S. No. C-3128.)

On August 16, 1921, 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 a libel for the seizure and condemnation of 500 sacks, more or less, of alleged bran and screenings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped on or about June 20, 1921, by the Whitewater Flour Mills Co., Whitewater, Kans., and transported from the State of Kansas into the State of Missouri, and thereafter reshipped into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "The Ross Feed Company, Whitewater, Kansas, 100 lbs. Wheat Bran & Screenings * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable matter.

Misbranding was alleged for the reason that the labeling was false and calculated to induce the purchaser to believe that each of said sacks contained wheat bran and screenings, when, in truth and in fact, they contained an adulterated commodity totally unfit for the purpose for which it was intended. Misbranding was alleged for the further reason that each of the sacks did not contain 100 pounds, but, in truth and in fact, contained a much less quantity and the labeling thereof was false and calculated to induce the purchaser to believe that each of the sacks contained 100 pounds, when, in truth and in fact, they contained a much less quantity than 100 pounds, and the true quantity of the contents was not plainly and conspicuously marked on the outside of said sacks, or any of them.

On March 7, 1922, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal as a misbranded and adulterated article, and that the purchaser give bond, in conformity with section 10 of the act, conditioned in part that the article be properly branded. It was further ordered that in the event it should not be sold the product should be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10757. Misbranding of butter. U. S. v. Glen W. Hudson, Carl A. Nyhus, George N. Zlackatt, and J. H. Majors (the Raton Creamery Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 15590. I. S. Nos. 10824-t, 10825-t.)

On March 14, 1922, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

Glen W. Hudson, Carl A. Nyhus, George N. Zlackatt, and J. H. Majors, trading as the Raton Creamery Co., Raton, N. M., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about June 10, 1921, from the State of New Mexico into the State of Colorado, of quantities of butter which was misbranded. A portion of the article was labeled in part: "The Scenic Brand Pure Creamery Butter * * * One Pound Net * * * The Raton Creamery Company Raton, New Mexico." The remainder of the article was labeled in part: "Brookfield Creamery Butter 1 lb. Net Weight * * * The within contents weighed 1 lb. when packed. Owing to natural shrinkage due to evaporation and other causes, contents are not guaranteed to weigh at time of sale the amount marked on the package, but sale is made at packed weight."

Examination of a sample of the Scenic Brand butter by the Bureau of Chemistry of this department showed that the average net weight of the 60 packages examined was 15.02 ounces. Examination of a sample of the Brookfield butter by said bureau showed that the average net weight of the 60 packages examined was 15.11 ounces.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "One Pound Net" and "1 Lb. Net Weight," borne on the respective cartons containing the article concerning the net weight thereof, were false and misleading in that the said statements represented the net weight of the article to be 1 pound, whereas, in truth and in fact, the net weight of the said article was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "One Pound Net" or "1 Lb. Net Weight," as the case might be, was incorrect and represented more than the actual contents of the respective packages.

On March 14, 1922, a plea of guilty to the information was entered on behalf of the defendant concern, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10758. Adulteration of wheat middlings. U. S. v. 400 Bags of Wheat Middlings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15603. I. S. Nos. 9327-t, 9328-t. S. No. E-3644.)

On November 18, 1921, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 bags of wheat middlings at Burlington, N. C., alleging that the article had been shipped by the Mayo Milling Co., Inc., Richmond, Va., on September 30, 1921, and transported from the State of Virginia into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mayo's Bull Middlings With ground re-cleaned wheat Screenings Mayo Milling Co., Inc. Distributors Richmond, Va."

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

At the June, 1922, term of the said United States District Court the Mayo Milling Co., having filed its bond in the sum of \$1,000, in conformity with section 10 of the act, and having paid all the costs of the proceedings, it was ordered by the court that the product might be released to said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10759. Misbranding of Aspironal. U. S. v. 19 Dozen Bottles, et al, of Aspironal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15647, 15648. S. Nos. E-3672, E-3680.)

On December 9, 1921, 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 aforesaid, holding a district court, libels for the seizure and condemnation of 22½ dozen bottles of Aspironal, remaining unsold at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and that 3½ dozen bottles of the said article had been shipped by the Aspironal Laboratories, Inc., Atlanta, Ga., on or about September 12, 1921, and transported from the State of Georgia into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended.