

State of South Dakota into the State of Minnesota, 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 whole or in part of a decomposed animal substance.

On January 9, 1923, no claimant having appeared for the property, and the United States attorney having made affidavit that the product was wholly decayed and unfit for consumption as food, it was ordered by the court that the product be destroyed by the United States marshal.

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

11308. Adulteration and misbranding of canned oysters. U. S. v. 85 Cases and 201 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17034. I. S. No. 8109-v. S. No. W-1256.)

On December 13, 1922, 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 for said district a libel for the seizure and condemnation of 85 cases and 201 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Dunbars, Lopez & Dukate Co., New Orleans, La., about August 15, 1922, and transported from the State of Louisiana into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Pointer Brand Cove Oysters Packed by Dunbars, Lopez & Dukate Co., New Orleans, La. Biloxi, Miss. Serial No. A 1446 Guaranteed by the Packers under the Food and Drugs Act, June 30, 1906 Net Contents 10 Oz. Oyster Meat." The remainder of the said article was labeled in part: (Case) "10 Oz. 2 Doz."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement, "Net Contents 10 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser. 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.

On January 9, 1923, J. H. Newbauer & Co., San Francisco, Calif., having entered an appearance as claimant for the property 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of said act, under the supervision and to the satisfaction of this department.

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

11309. Adulteration of eggs. U. S. v. 5 Cases of Eggs. Default entered. Product ordered destroyed. (F. & D. No. 17041. I. S. No. 5488-v. S. No. C-3843.)

On November 21, 1922, the United States attorney for the District of Minnesota, 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 5 cases of eggs, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by I. Turnoy, Chaseley, N. Dak., on or about November 7, 1922, and transported from the State of North Dakota into the State of Minnesota, 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 whole or in part of a decomposed animal substance.

On December 27, 1922, no claimant having appeared for the property, and the United States attorney having made affidavit that the product was wholly decayed and unfit for consumption as food, it was ordered by the court that the product be destroyed by the United States marshal.

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

11310. Misbranding of hog feed. U. S. v. Alfocorn Milling Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 13087. I. S. No. 24634-r.)

On October 25, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the Dis-

trict Court of the United States for said district an information against the Alfocorn Milling Co., a corporation, trading at East St. Louis, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 2, 1919, from the State of Illinois into the State of Indiana, of a quantity of hog feed which was misbranded. The article was labeled in part: "Alfocorn Milling Company, of St. Louis, Mo., Guarantees this Alfocorn Hog Lasses Feed to contain not less than 5.0 per cent. of crude fat, 16.0 per cent. of crude protein, not more than 9.0 per cent of crude fiber."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 3.67 per cent of fat, 9.27 per cent of crude fiber, and 14.69 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Alfocorn Milling Company * * * Guarantees this * * * Feed to contain not less than 5.0 per cent. of crude fat, 16.0 per cent. of crude protein, not more than 9.0 per cent. of crude fiber," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 5 per cent of crude fat, not less than 16 per cent of crude protein, and not more than 9 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 5 per cent of crude fat, not less than 16 per cent of crude protein, and not more than 9 per cent of crude fiber, whereas, in truth and in fact, it did contain less than 5 per cent of crude fat, less than 16 per cent of crude protein, and more than 9 per cent of crude fiber, to wit, 3.67 per cent of crude fat, 14.69 per cent of crude protein, and 9.27 per cent of crude fiber.

On December 12, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

11311. Misbranding of olive oil. U. S. v. 29 Gallon Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 15487, 15550, 15551, 15552, 15553, 15629. I. S. Nos. 11158-t, 11159-t, 11167-t, 11168-t, 11169-t, 11170-t, 11171-t, 11172-t, 11173-t, 13884-t. S. Nos. W-1016, W-1026, W-1027, W-1028, W-1029, W-1033.)

On November 14, 15, and 23, 1921, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 29 gallon cans, 88 half-gallon cans, and 103 quart cans of olive oil, remaining unsold in the original unbroken packages in various lots at Denver, Walsenburg, and Pueblo, Colo., respectively, consigned by Deligiannis Bros., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., between the dates of April 5 and October 13, 1921, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Contents One Gallon" (or "Two Quarts" or "One Quart") "* * * Pure Olive Oil Universal Brand Deligiannis Bros. Chicago, U. S. A."

Misbranding of the article was alleged in the libels for the reason that the statement on each of the gallon cans, to wit, "Net Contents One Gallon," the statement on each of the half-gallon cans, to wit, "Net Contents Two Quarts," and the statement on each of the quart cans, to wit, "Net Contents One Quart," were false and misleading and deceived and misled the purchaser for the reason that the net contents of each of the said cans was less than one gallon, one-half gallon, or one quart, as the case might be. 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 packages.

On January 26, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be relabeled so as to show the correct contents of the said cans and that it be sold by the United States marshal.

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