

court that the product be disposed of in accordance with law. The decree further provided that the product might be released to the claimant, the General Commission Co., Kansas City, Mo., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11855. Adulteration and misbranding of butter. U. S. v. 10 Tubs and 15 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reworked and relabeled.** (F. & D. Nos. 17679, 17727. I. S. Nos. 6361-v, 6682-v. S. Nos. C-4081, C-4107.)

On August 2 and 17, 1923, respectively, the United States attorney for the Eastern District of Missouri, 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 25 tubs of butter, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Excelsior Creamery Co., Baraboo, Wis., in part on or about June 6 and in part on or about July 11, 1923, and transported from the State of Wisconsin into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libels for the reason that a product deficient in milk fat and high in moisture had been mixed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent, namely, butterfat, had been abstracted therefrom.

Misbranding of the article was alleged for the reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 17 and 26, 1923, respectively, the Excelsior Creamery Co., Baraboo, Wis., having appeared as claimant for the property, judgments of condemnation were 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 good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory to be reworked and relabeled.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11856. Adulteration of canned sardines. U. S. v. 5 Cases and 10 Cases of Sardines. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 17728, 17729. I. S. Nos. 1896-v, 1897-v. S. Nos. E-4469, E-4470.)

On August 24, 1923, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information praying the seizure and condemnation of 15 cases of sardines, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Columbian Canning Co., from Lubec, Me., on or about July 4, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Champion Brand American Sardines \* \* \* Packed And Guaranteed By The Columbian Canning Co. \* \* \* Lubec, Maine."

Adulteration of the articles was alleged in the libels for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On September 24, 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 destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11857. Adulteration and misbranding of flour. U. S. v. 500 Sacks of Alleged Red Dog Flour. Decree of condemnation entered providing for release of product under bond to be relabeled.** (F. & D. No. 17765. I. S. No. 11965-v. S. No. W-940.)

On or about September 7, 1923, the United States attorney for the Southern 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 praying the seizure and condemnation of 500 sacks of alleged red dog flour, remaining in the original unbroken packages at Pomona, Calif., consigned by

the General Commission Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about July 17, 1923, and transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100# Net Red Dog Distributed By General Commission Co. Kansas City, Mo. Protein, Not Less Than 15.00% Fat, Not Less Than 2.50% Fiber, Not More Than 4.00%."

Adulteration of the article was alleged in the libel for the reason that it contained ground bran, ground screenings, and flour, which had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged in substance for the reason that the above-quoted statements appearing in the labeling were false and misleading and deceived and misled the purchaser, in that the said article contained ground bran, flour, and screenings. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On September 25, 1923, the case having come on for final disposition before the court, a decree of condemnation was entered, and it was ordered by the court that the product be disposed of in accordance with law. The decree further provided that the product might be released to the claimant, the General Commission Co., Kansas City, Mo., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11858. Adulteration of shell eggs. U. S. v. 98 Cases and 41 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 17768, 17769. I. S. Nos. 3973-v, 3974-v. S. Nos. C-4070, C-4074.)

On or about July 17 and 18, 1923, respectively, the United States attorney for the Northern District of Illinois, 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 139 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that 98 cases of the product had been shipped by the Gifford Farm Club, from Gifford, Mo., July 15, 1923, and that 41 cases of the said product had been shipped by Larson & Weiner, from Stockholm, Wis., July 12, 1923, and that the article had been transported from the States of Missouri and Wisconsin, respectively, into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On July 21, 1923, the cases having been consolidated into one action and Harry H. Redfaern Co., of Chicago, Ill., claimant, having admitted the material allegations of the libels and 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 upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11859. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Default decree ordering destruction of the product.** (F. & D. No. 17854. I. S. No. 17832-v. S. No. C-4117.)

On or about September 4, 1923, 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 said district a libel praying the seizure and condemnation of 10 cases of eggs at Chicago, Ill., alleging that the article had been shipped by James Formanek, from Irving, Iowa, August 14, 1923, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further