

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 June 27, 1924, a plea of not guilty having been entered on behalf of the defendant company, the case came on for trial before the court without a jury. After the submission of evidence judgment for the Government was entered by the court, and a fine of \$100 and costs was imposed on the defendant company.

HOWARD M. GORE, *Secretary of Agriculture.*

12405. Adulteration of canned blueberries. U. S. v. 9½ Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18634. I. S. No. 16778-v. S. No. E-4831.)

On May 3, 1924, the United States attorney for the District of Massachusetts, 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 9½ cases of canned blueberries remaining in the original unbroken packages at Springfield, Mass., alleging that the article had been shipped by the A. & R. Loggie Co. (Ltd.) from Columbia Falls, Me., on or about September 22, 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: (Can) "Eagle Brand Blueberries * * * Packed— At Columbia Falls, Maine By A. & R. Loggie Co. Limited Of Loggieville, N. B. Canada."

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 substance.

On June 10, 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.*

12406. Adulteration of canned blueberries. U. S. v. 5½ Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18539. I. S. No. 15389-v. S. No. E-4746.)

On April 8, 1924, the United States attorney for the District of Massachusetts, 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 5½ cases of canned blueberries remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by Jasper Wyman & Son, from Cherryfield, Me., on or about September 17, 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: "Wyman's Brand Blueberries Packed And Guaranteed By Jasper Wyman & Son Milbridge, Me."

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

On June 10, 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.*

12407. Misbranding of butter. U. S. v. Sugar Creek Creamery Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 17933. I. S. Nos. 6432-v, 6433-v.)

On January 17, 1924, the United States attorney for the Eastern District of Missouri, 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 Sugar Creek Creamery Co., a corporation, trading at St. Louis, Mo., alleging shipment by said company in violation of the food and drugs act as amended, in two consignments, namely, on or about June 14 and June 19, 1923, respectively, from the State of Missouri into the State of Illinois, of a quantity of butter which was misbranded. The article was labeled in part: "Sugar Creek Butter * * * One Pound Net Weight * * * Sugar Creek Creamery Co. * * * Sugar Creek Butter General Office Danville, Ill."

Examination of a sample taken from each of the consignments by the Bureau of Chemistry of this department showed an average shortage in weight of 1.9 per cent and 1.87 per cent respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the said article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the packages contained 1 pound net weight of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of the said article but did contain a less amount. 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 April 9, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12408. Misbranding of tankage. U. S. v. Pan American Feed Milling Co., a Corporation. Plea of guilty. Fine, \$75. (F. & D. No. 17941. I. S. Nos. 3924-v, 5176-v, 10444-v.)

On January 17, 1924, the United States attorney for the Northern District of Ohio, 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 Pan American Feed Milling Co., a corporation, trading at West Toledo, Ohio, alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about January 3 and December 30, 1922, respectively, from the State of Ohio into the State of Missouri; and on or about September 13, 1922, from the State of Ohio into the State of Iowa, of quantities of tankage which was misbranded. The September and December shipments were labeled in part: "Garbage Tankage PAF * * * Guaranteed Analysis: Protein Not Less Than 18% * * * Fibre Not More Than 7% Bone Phosphate About 14% * * * Pan American Feed Milling Co. * * * West Toledo, Ohio." The January shipment was labeled in part: "PAF Garbage Tankage Guaranteed Analysis * * * Protein 21.0% * * * Fibre 4.1% Bone Phosphates 13.0% * * * Pan-American Feed Milling Co. West Toledo, Ohio."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each of the three consignments showed that the said samples contained approximately 17.33 per cent, 15.53 per cent, and 16.99 per cent, respectively, of protein; 8.68 per cent, 10.34 per cent, and 9.71 per cent, respectively, of crude fiber; and 5.50 per cent, 5.37 per cent, and 5.02 per cent, respectively, of calcium phosphate.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Guaranteed Analysis: Protein, Not Less Than 18% * * * Fibre Not More Than 7% Bone Phosphate About 14%," borne on the sacks containing a portion of the article, and the statements, to wit, "Guaranteed Analysis * * * Protein 21.0% Fibre 4.1% Bone Phosphates 13.0%," borne on the tags attached to the sacks containing the remainder thereof, regarding the 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 the amounts of protein and bone phosphate, and not more than the amounts of fiber declared on the respective labels, 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 the amounts of protein and bone phosphate and not more than the amounts of fiber declared on the respective labels, whereas, in truth and in fact, the said article contained less protein and bone phosphate and more fiber than so declared.

On March 11, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

HOWARD M. GORE, *Secretary of Agriculture.*

12409. Misbranding of butter. U. S. v. 340 Pounds, et al., of Butter. Decrees entered, finding product to be misbranded and ordering its release under bond to be reworked. (F. & D. Nos. 17716, 17717, 17720. I. S. Nos. 6925-v, 6926-v, 6930-v, 6931-v. S. Nos. C-4091, C-4092, C-4095.)

On August 23, 1923, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District