

tuted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the prints were labeled, "One Pound Net," whereas they were less than 1 pound net.

During the month of August, 1924, the D. E. Wood Butter Co., Evansville, Wis., claimant, having admitted the allegations of the libel 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 reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12603. Adulteration and misbranding of ground barley feed. U. S. v. Schreiber Milling & Grain Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 16955. I. S. No. 13651-t.)

On April 5, 1924, 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 an information against the Schreiber Milling & Grain Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the food and drugs act, on or about September 2, 1921, from the State of Minnesota into the State of Indiana, of a quantity of ground barley feed which was adulterated and misbranded. The article was labeled in part: (Tags) "Fancy Ground Barley Feed Ingredients: Whole Barley and Screenings * * * Manufactured by Schreiber Milling & Grain Co. Minneapolis, Minn.;" "Schreiber Milling & Grain Company, of Minneapolis, Minn., Guarantees this Fancy Ground Feed Barley and Screenings to contain not less than * * * 13.0 per cent of crude protein, not more than 8.5 per cent of crude fiber."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 12.08 per cent of protein and 14.04 per cent of crude fiber. Examination by said bureau showed that the product was ground barley feed with ground screenings.

Adulteration of the article was alleged in the libel for the reason that a mixture of barley feed and ground barley screenings had been substituted for fine ground feed barley and fancy ground feed barley and screenings, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Schreiber Milling & Grain Company, of Minneapolis, Minn., Guarantees this Fancy Ground Feed Barley and Screenings to contain not less than * * * 13.0 per cent of crude protein, not more than 8.5 per cent of crude fiber," borne on the tag attached to the sacks containing the article, was false and misleading in that the said statement represented that the article consisted wholly of fancy ground feed barley and screenings and contained not less than 13 per cent of crude protein and not more than 8.5 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 consisted wholly of fancy ground feed barley and screenings and contained not less than 13 per cent of crude protein and not more than 8.5 per cent of crude fiber, whereas, in truth and in fact, it did not consist wholly of fancy ground feed barley and screenings, but did consist of a mixture of barley feed and ground barley screenings, and it did contain less than 13 per cent of crude protein and more than 8.5 per cent of crude fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 5, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12604. Adulteration and misbranding of canned oysters. U. S. v. 11 Cases of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16717. I. S. No. 9501-v. S. No. C-2923.)

On August 8, 1922, the United States attorney for the Eastern District of Tennessee, 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 11 cases of oysters, remaining in the original unbroken packages at Harriman, Tenn., alleging that the article had been shipped by

the Hilton Head Packing Co., Savannah, Ga., on or about May 27, 1922, and transported from the State of Georgia into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Hilton Head Brand * * * Oysters Contains 5 Oz. Oyster Meat Packed By Hilton Head Packing Co., Office: Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Hilton Head Brand Oysters Contains 5 Oz. Oyster Meat," together with the design showing opened oysters, appearing on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further 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 August 17, 1923, 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.*

12605. Misbranding of crab meat. U. S. v. 98 1-Pound Tins of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18923. I. S. No. 13285-v. S. No. E-4926.)

On August 25, 1924, the United States attorney for the Southern District of New York, 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 98 1-pound tins of crab meat, remaining in the original unbroken packages at New York, N. Y., consigned by W. L. Tull & Bro., Crisfield, Md., alleging that the article had been shipped from Crisfield, Md., on or about August 16, 1924, and transported from the State of Maryland into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Net Contents 1 Lb."

Examination of the article by the Bureau of Chemistry of this department showed that the cans contained less than 1 pound net of crab meat.

Misbranding of the article was alleged in the libel for the reason that the statement, "Net Contents 1 Lb.," 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 September 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.*

12606. Adulteration of canned blueberries. U. S. v. 149 Cases of Canned Blueberries. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 18537. I. S. No. 15897-v. S. No. E-4796.)

On April 7, 1924, the United States attorney for the Southern District of New York, 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 149 cases of canned blueberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Bangor Sanitary Packing Co., from Bangor, Me., October 26, 1923, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Schoppe Brand * * * Extra Select Blueberries Packed and Guaranteed by Bangor Sanitary Packing Co., Bangor, Maine."

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

On September 11, 1924, the claimant for the property 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 destroyed by the United States marshal, and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*