

County Creamery Co., a corporation, Sterling, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about December 17, 18, and 19, 1923, respectively, from the State of Colorado into the State of Wyoming, of quantities of butter which was misbranded. The article was labeled in part: "Logan County Creamery Butter * * * One Pound Net Weight The Logan County Creamery Sterling, Colorado."

Examination by the Bureau of Chemistry of this department of 120 packages from each of the consignments showed that the average net weight of the packages was 15.7 ounces, 15.79 ounces, and 15.82 ounces, 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 article, was false and misleading in that the said statement represented that the said packages contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net of butter 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 July 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12617. Misbranding of butter. U. S. v. Isleton Butter Co., a Corporation. Plea of guilty. Fine, \$303. (F. & D. No. 17608. I. S. Nos. 8679-v, 8685-v, 8697-v.)

On or about November 19, 1923, 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 an information against the Isleton Butter Co., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the food and drug act as amended, in various consignments, namely, on or about February 21, February 27, and March 13, 1923, respectively, from the State of California into the Territory of Hawaii, of quantities of butter which was misbranded. The article was labeled in part: "Isleton Butter * * * Net Weight One Pound."

Examination by the Bureau of Chemistry of this department of samples from each of the consignments showed that the average net weight of the said samples was 15.76 ounces, 15.76 ounces, and 15.7 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight One Pound," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the packages contained 1 pound net weight of butter, 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 said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of the packages did not contain 1 pound net weight of butter 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 July 1, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$303.

HOWARD M. GORE, *Secretary of Agriculture.*

12618. Adulteration of hay. U. S. v. 111 Bales of Hay. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18168. I. S. No. 900-v. S. No. E-4640.)

On December 18, 1923, the United States attorney for the Western District of South Carolina, 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 111 bales of hay, at Duncan, S. C., alleging that the article had been shipped by J. H. Colgrove Co., Cameron, N. Y., on or about October 26, 1923, and transported from the State of New York into the State of South Carolina, 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 wholly or in part of a filthy and decomposed vegetable substance.

On February 21, 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.*

12619. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. 166 Sacks and 337 Sacks of Wheat Gray Shorts and Screenings. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 731-C. I. S. No. 12316-v. S. No. C-4315.)

On February 25, 1924, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 503 sacks of wheat gray shorts and screenings, at Fort Scott, Kansas, alleging that the article had been shipped by the Kansas Flour Mills Co. from North Kansas City, Mo., on or about January 31, 1924, and transported from the State of Missouri 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: "100 Lbs. When Packed Wheat Gray Shorts & Screenings Not exceeding 8% of Screenings. Guaranteed Analysis Protein, not less than 16.00% * * * Fiber, not more than 6.5%. Licensed and Registered by The Kansas Flour Mills Company, Kansas City, Missouri."

Adulteration of the article was alleged in the libels for the reason that ground bran had been substituted in part for gray shorts.

Misbranding was alleged in substance for the reason that the statement on the label to the effect that the article contained not more than 6.5 per cent of fiber was false, for in truth and in fact the article contained more than 6.5 per cent of fiber. 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, so as to deceive and mislead the purchaser thereof, and for the further reason that it was in package form and the contents were not correctly stated on the outside of the said package.

On March 7, 1924, The Kansas Flour Mills Co., Kansas City, Mo., claimant, having consented to the entry of a decree, 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 bonds in the aggregate sum of \$750, in conformity with section 10 of the act, conditioned in part that it be rebranded.

HOWARD M. GORE, *Secretary of Agriculture.*

12620. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18863. I. S. No. 13184-v. S. No. E-4888.)

On or about July 18, 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 20 tubs of butter, consigned on or about July 8, 1924, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery Assoc. from Big Rapids, Mich., and transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that substances deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On September 2, 1924, the Farmers Cooperative Creamery Assoc., 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