

On July 22, 1924, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it be relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

**12674. Adulteration of shell eggs. U. S. v. Alex Getz. Plea of guilty. Fine, \$50.** (F. & D. No. 19007. I. S. No. 17833-v. S. No. C-4123.)

On February 29, 1924, the Grand Jurors of the United States within and for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against Alex Getz, late of the city of Chicago, State of Illinois, alleging that on or about August 6, 1923, the said defendant did receive 10 cases of shell eggs, which had been transported in interstate commerce from the State of Missouri into the State of Illinois and which were adulterated in violation of the food and drugs act, and that knowing that the said eggs were adulterated the said defendant did deliver them in the original unbroken packages, for pay or otherwise, to certain other persons, in violation of the said act.

Adulteration of the article was alleged in the indictment for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, namely, black rots, mixed rots, spot rots, and blood rings.

On July 7, 1924, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

**12675. Misbranding of butter. U. S. v. 10 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18972. I. S. No. 20173-v. S. No. W-1550.)

On or about August 13, 1924, 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 praying the seizure and condemnation of 10 cases of butter, remaining in the original unbroken packages at San Francisco, Calif. (returned to San Francisco, Calif., from Honolulu), alleging that the article had been shipped by the Western Meat Co., from San Francisco, Calif., July 29, 1924, and transported from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Parkdale Brand Creamery Butter Pasteurized 1 Pound Net Weight Distributed by Western Meat Co. San Francisco."

Misbranding of the article was alleged in the libel for the reason that the statement "1 Pound Net Weight" was false and misleading and deceived and misled the purchaser, 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 September 16, 1924, the Western Meat Co., San Francisco, Calif., having appeared 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 the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be made to comply with the provisions of the law under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

**12676. Adulteration and misbranding of canned tomatoes. U. S. v. 150 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17005. I. S. No. 3124-v. S. No. E-4231.)

On December 1, 1922, the United States attorney for the Southern District of Florida, 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 150 cases of tomatoes, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the W. W. Boyer Co., Baltimore, Md., on or about October 6, 1922, and trans-

ported from the State of Maryland into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Dogwood Brand Tomatoes Packed By W. W. Boyer & Co., Baltimore, Md. U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, added puree, pulp, or juice from skins and cores of tomatoes, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Tomatoes," together with the design showing a red ripe tomato, appearing on the labels, was false and misleading and deceived and misled the purchaser, since the article contained added puree, pulp, or juice from skins and cores of tomatoes. 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 May 17, 1923, W. W. Boyer & Co., Inc., Baltimore, Md., 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 \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

**12677. Misbranding of butter. U. S. v. 15 Cases of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18385. I. S. No. 7293-v. S. No. C-4285.)

On February 12, 1924, the United States attorney for the Northern District of Alabama, 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 15 cases of creamery butter, at Birmingham, Ala., alleging that the article had been shipped by the New Albany Creamery Co., from New Albany, Miss., on or about February 8, 1924, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Sunshine Creamery Butter One Lb. Net New Albany Creamery Co., New Albany, Miss."

Misbranding of the article was alleged for the reason that the statement "One Pound Net" was false and misleading and deceived and misled the purchaser, 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 March 29, 1924, the New Albany Creamery Co., New Albany, Miss., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and the claimant having executed a bond in the sum of \$600, conditioned that the product be brought up to the declared net weight, judgment of condemnation and forfeiture was entered, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

**12678. Adulteration and misbranding of horse and mule feed. U. S. v. 75 Sacks of Horse and Mule Feed. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18156. I. S. No. 7192-v. S. No. C-4219.)

On December 14, 1923, the United States attorney for the Northern District of Alabama, 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 75 sacks of horse and mule feed, at Boyles, Ala., alleging that the article had been shipped by the Sturges Co. from Meridian, Miss., on or about October 25, 1923, and transported from the State of Mississippi into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "100 pounds Billy Buck Horse and Mule Feed Manufactured By Sturges Company, Meridian, Mississippi \* \* \* Protein 9%."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed with and substituted wholly or in part for the said article.