

bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12714. Misbranding of dried distillers grains. U. S. v. 24½ Tons of Dried Grains. Product released under bond to be relabeled. (F. & D. No. 18775. I. S. No. 22257-v. S. No. E-4863.)

On June 9, 1924, the United States attorney for the District of Maryland, 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 24½ tons of dried distillers grains, consigned about April 16, 1924, remaining in the original unbroken packages at Cambridge, Md., alleging that the article had been shipped by H. Walker & Sons, from Walkerville, Ont., Canada, and transported from a foreign country into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "'Calgary' Distillers' Dried Grains Protein 26-30%."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 26-30%," borne on the labels, was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained from 26 to 30 per cent of protein, whereas, in truth and in fact, it contained a less amount.

On August 11, 1924, the Donahue-Stratton Co., Milwaukee, Wis., having appeared as claimant for the property, judgment of the court was entered, ordering 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 \$200, in conformity with section 10 of the act, conditioned in part that it be properly relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12715. Adulteration of canned sardines. U. S. v. 200 Cases of Sardines in Tins. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18781. I. S. No. 16596-v. S. No. E-4861.)

On June 14, 1924, the United States attorney for the Southern District of Georgia, 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 200 cases of sardines in tins, remaining in the original unbroken packages at Valdosta, Ga., consigned by the Holmes Co., from Robbinston, Me., alleging that the article had been shipped on or about October 27, 1923, and transported from the State of Maine into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tin) "Holmes Company Maine Sardines * * * Robbinston Maine."

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

On September 24, 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.*

12716. Adulteration of butter. U. S. v. 3 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18875. I. S. No. 18848-v. S. No. C-4452.)

On July 22, 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 a libel praying the seizure and condemnation of 3 tubs of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Springbrook Creamery Co., Shelbyville, Ill., on or about July 18, 1924, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

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