

branding 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, to wit, butter.

On January 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13112. Adulteration and misbranding of wheat middlings. U. S. v. 98 Sacks of Wheat Middlings. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19389. I. S. No. 17201-v. S. No. E-5055.)

On or about January 8, 1925, the United States attorney for the Eastern District of Virginia, 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 sacks of wheat middlings, remaining in the original packages at Alexandria, Va., alleging that the article had been shipped by the C. A. Gambrill Mfg. Co., from Ellicott City, Md., October 6, 1924, and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Pure Wheat White Middlings Guaranteed Analysis * * * Fibre 3.25% Manufactured By C. A. Gambrill Mfg. Co. Baltimore, Md."

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

Misbranding was alleged for the reason that the statements "Pure Wheat White Middlings Guaranteed Analysis Fibre 3.25%," appearing in the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 20, 1925, the C. A. Gambrill Mfg. Co., Ellicott City, Md., 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 bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the words "White Middlings" be obliterated from the label and the product be retagged as "Middlings, Bran and Screenings," together with a declaration of the net weight.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13113. Adulteration and misbranding of chestnuts. U. S. v. 10 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction or sale. (F. & D. No. 19124. I. S. No. 16937-v. S. No. E-5004.)

On November 5, 1924, the United States attorney for the District of Connecticut, 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 barrels of chestnuts, remaining in the original unbroken packages at New London, Conn., alleging that the article had been shipped by Garfunkel & Justman, New York, N. Y., on or about October 27, 1924, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act as amended.

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

Misbranding was alleged for the 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 December 19, 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 or sold by the United States marshal, provided sale could be speedily effected.

R. W. DUNLAP, *Acting Secretary of Agriculture.*