

13142. Misbranding of flour. U. S. v. 122 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19097. I. S. No. 21070-v. S. No. W-1596.)

On October 29, 1924, the United States attorney for the Western District of Washington, 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 122 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Crown Mills, from Portland, Oreg., October 18, 1924, and transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "Seregro Best Patent Unbleached Flour * * * 24½ Lbs. Seregro Best Patent."

Misbranding of the article was alleged in the libel for the reason that the statement "24½ Lbs." 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 packages.

On November 28, 1924, the Crown Mills, Seattle, Wash., 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 \$150, in conformity with section 10 of the act.

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

13143. Adulteration and misbranding of canned oysters. U. S. v. 84 Cases and 30 Cases of Canned Oysters. Decree entered, finding product adulterated and misbranded; released under bond to be relabeled. (F. & D. No. 18534. I. S. Nos. 5236-v, 5237-v. S. No. C-4323.)

On April 5, 1924, the United States attorney for the Western District of Oklahoma, 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 114 cases of canned oysters, at Altus, Okla., alleging that the article had been shipped by the Shelmore Oyster [Products] Co., Memphis, Tenn., on or about November 29, 1923, and transported from the State of Tennessee into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: (Can) "Louis Brand * * * Oysters Contents 8 Ozs. Oyster Meat." The remainder of the said article was labeled: (Can) "New State Brand Oysters * * * Contents 10 Oz. Oyster Meat Famous For Flavor."

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

Misbranding was alleged for the reason that the article was food in package form and the quantity and contents were not plainly and conspicuously marked on the outside of the packages.

On September 29, 1924, the Shelmore Oyster Products Co., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, finding the product adulterated and misbranded, 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, and that it be relabeled and reconditioned under the supervision of this department.

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

13144. Adulteration and misbranding of sweet chocolate coating. U. S. v. Royal Cocoa Co. Plea of guilty. Fine, \$150. (F. & D. No. 18763. I. S. No. 2770-v, 16012-v.)

On December 13, 1924, the United States attorney for the District of New Jersey, 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 Royal Cocoa Co., a corporation, Camden, N. J., alleging shipment by said company, in violation of the food and drugs act, in part on or about August 13, 1923, and in part on or about March 20, 1924, from the State of New Jer-

sey into the State of Pennsylvania, of quantities of sweet chocolate coating which was adulterated and misbranded. A portion of the article was labeled, "Dandy 349-30803 Sweet Chocolate Coating." The remainder of the said article was labeled in part: "Dandy * * * Sweet Choc. Ctg."

Analyses by the Bureau of Chemistry of this department of a sample from each of the consignments showed that they contained excessive quantities of cocoa shells.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an excessive amount of cocoa shells, 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 sweet chocolate coating, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Chocolate," with respect to a portion of the product, and the statement "Dandy Choc. Ctg.," with respect to the remainder thereof, appearing on the labels, were false and misleading, in that they represented the article to be unadulterated chocolate, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was unadulterated chocolate, whereas, in truth and in fact, it was not unadulterated chocolate, in that it contained an excessive amount of cocoa shells.

On January 26, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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

13145. Adulteration of butter. U. S. v. 51 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19865. I. S. No. 23129-v. S. No. C-4646.)

On or about February 11, 1925, the United States attorney for the Northern District of Illinois, 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 51 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Medina Butter Co., from Deerfield, Wis., February 3, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On February 16, 1925, H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel 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 it be reprocessed so as to remove the excess water and raise the butterfat content to not less than 80 per cent.

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

13146. Adulteration of canned salmon. U. S. v. 379 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18965. I. S. No. 20232-v. S. No. W-1582.)

On September 13, 1924, the United States attorney for the Western District of Washington, 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 379 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Superior Fisheries, from Tenakee, Alaska, August 21, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gorman's Pink Salmon."