

and condemnation of 40 sacks of oats, remaining in the original unbroken packages at Eupora, Miss., alleging that the article had been shipped by John Wade & Sons, Memphis, Tenn., April 28, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was billed as feed oats and invoiced as white feed oats.

Adulteration of the article was alleged in the libel for the reason that an admixture consisting of oats and foreign material including wild oats, barley, and other grains, chaff and dirt and excess moisture had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality or strength, and had been substituted in whole or in part for oats, which the said article purported to be.

Misbranding was alleged for the reason that the article contained a mixture of oats and foreign material, bleached with sulfur dioxide, and was offered for sale under the distinctive name of "White Feed Oats." Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and numerical count.

On December 3, 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.

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

13157. Misbranding of oats. U. S. v. 230 Sacks of Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18667. I. S. No. 18432-v. S. No. C-4380.)

On May 7, 1924, the United States attorney for the Northern District of Mississippi, 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 230 sacks of oats, remaining in the original unbroken packages at Jonestown, Miss., alleging that the article had been shipped by the George J. Hamner Grain Co., Memphis, Tenn., April 24, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was invoiced as "Oats."

Misbranding of the article was alleged in substance in the libel for the reason that it was an admixture of oats and foreign material including wild oats, barley, skimmings, rye, white (wheat) chaff, and dirt, said foreign material having been bleached with sulfur dioxide, which was not declared, and was offered for sale under the distinctive name of "Oats." Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and numerical count.

On October 22, 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.

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

13158. Misbranding of vanilla extract. U. S. v. 42 Dozen Bottles of Vanilla Extract. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18710. I. S. No. 20205-v. S. No. W-1511.)

On May 29, 1924, the United States attorney for the District of Montana, 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 42 dozen bottles of vanilla extract, at Butte, Mont., alleging that the article had been shipped by Stone-Ordean-Wells Co., Duluth, Minn., on or about May 6, 1924, and transported from the State of Minnesota into the State of Montana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle and carton) "Two Fluid Ounces Stone's Pure Extract Vanilla Alcohol 40% * * * Stone-Ordean-Wells Company Duluth."

Misbranding of the article was alleged in the libel for the reason that the statements on the labels of the bottles and cartons containing the said article, with regard to the measure and content thereof, namely, "Two Fluid Ounces Stone's Pure Extract Vanilla, Alcohol 40%," were false and misleading and deceived and misled the purchaser, in that the product was short in volume and did not contain the volume and content as labeled. 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 said packages in terms of weight and measure.

On August 25, 1924, the Stone-Ordean-Wells Co., Duluth, Minn., having appeared as claimant for the property, 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.

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

13159. Misbranding of butter. U. S. v. 16 Cases of Butter. Consent decree of forfeiture. Product released under bond. (F. & D. No. 19863. I. S. No. 16429-v. S. No. E-5144.)

On February 21, 1925, the United States attorney for the Northern 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 16 cases, each containing 32 cartons, of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., on or about February 10, 1925, and transported from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Brookfield Creamery Butter Swift & Company, U. S. A. 1 Lb. Net Weight," (shipping case) "32 Lbs. Net Brookfield Creamery Butter. $\frac{1}{4}$ lb. prints in 1 lb. cartons."

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "1 Lb. Net Weight" and "32 Lbs. Net," borne on the cartons and cases respectively, were false and misleading and deceived and misled the purchaser into the belief that each of said cartons contained 1 pound net weight of butter, and that each of said cases contained 32 pounds net weight of butter, whereas, in truth and in fact, the cartons contained less than 1 pound of butter and the cases contained less than 32 pounds of butter. Misbranding was alleged for the further reason that the article was in package form and the contents thereof were not plainly and conspicuously marked on the outside of the packages.

On March 10, 1925, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered, forfeiting the product, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

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

13160. Adulteration of canned sardines. U. S. v. 40 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19134. I. S. No. 23014-v. S. No. C-4042.)

On November 8, 1924, the United States attorney for the District of Nebraska, 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 40 cases of sardines, remaining in the original unbroken packages at Grand Island, Nebr., alleging that the article had been shipped by the Johnson Bay Canning Co., from Eastport, Me., on or about July 4, 1924, and transported from the State of Maine into the State of Nebraska, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Enterprise Brand American Sardines * * * Packed By Johnson Bay Canning Co., Lubec, Maine."

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

On March 6, 1925, 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.

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

13161. Misbranding of cottonseed meal. U. S. v. Purcell Cotton Oil Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19304. I. S. No. 12309-v.)

On January 21, 1925, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in