

broken packages at Camden, S. C., alleging that the article had been shipped by the Austin-Heaton Co., from Durham, N. C., in part June 2, 1925, and in part June 5, 1925, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Banner Self-Rising Flour 24 Lbs."

Misbranding of the article was alleged in the libels for the reason that the statement "Flour 24 Lbs," borne on the labels, 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 July 2, 1925, the Austin-Heaton Co., Durham, N. C., having appeared as claimant for the property, orders of the court were entered, providing that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$200, conditioned in part that the sacks be filled to the declared weight.

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

**13526. Adulteration and misbranding of blue cohosh. U. S. v. 51 Bags of Blue Cohosh. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16822. I. S. No. 131-v. S. No. E-4189.)

On September 27, 1922, 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 a libel praying the seizure and condemnation of 51 bags of blue cohosh, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by E. M. Sanborn & Sons, Russell, Pa., on or about August 16, 1922, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From E. Sanborn & Sons \* \* \* Russell, Pa. Blue Cohosh."

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary, official at the time of investigation, in that it contained excessive ash, to wit, 13.15 per cent, whereas the said formulary provided that blue cohosh should yield not more than 6 per cent of ash.

Misbranding was alleged for the reason that the statement "Blue Cohosh," borne on the label, was false and misleading, in that the said statement represented that the article was blue cohosh of the standard set out in the National Formulary, whereas it did not comply with the requirements for blue cohosh set out in said formulary.

On June 22, 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.*

**13527. Adulteration and misbranding of caviar. U. S. v. 6 Cases and 2 Cases of Caviar. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18839. I. S. Nos. 12964-v, 12965-v, S. No. E-4890.)

On or about July 25, 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 a libel praying the seizure and condemnation of 8 cases of caviar, at Newark, N. J., alleging that the article had been shipped by William Haaker Co., New York, N. Y., on or about April 29, 1924, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Haakers Genuine Imported Russian Caviar 1 Oz. Net Packed by Wm. Haaker Co. N. Y." The remainder of the said article was labeled in part: "Net Contents 1½ Ounces Prime Dittmann Caviar Packed At New York By Wm Haaker Co."

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

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, for the further reason that the