

Oat Meal Mill By-Products (Oat Hulls, Oat Dust, Rice Bran, Oat Shorts) and Molasses," "100 Pounds Little Ben Horse and Mule Feed," as the case might be, borne on the tags attached to the sacks containing the article, were false and misleading in that the said statements represented that the sacks each contained 100 pounds of the article, that the "Bar-Nun" feed contained, among other ingredients, cottonseed meal, and that the "Pronto" feed was made from corn, oats, alfalfa meal, cottonseed meal, oat meal mill by-products (oat hulls, oat dust, rice bran, oat shorts) and molasses; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said sacks contained 100 pounds of the article, that the "Bar-Nun" feed contained, among other ingredients, cottonseed meal, and that the "Pronto" feed was made from corn, oats, alfalfa meal, cottonseed meal, oat meal mill by-products (oat hulls, oat dust, rice bran, oat shorts) and molasses; whereas each of said sacks did not contain 100 pounds of the article, but did contain a less amount, the "Bar-Nun" feed contained no cottonseed meal, and the "Pronto" feed was not composed of the declared ingredients, in that rice bran was absent, and cottonseed meal was present in so negligible an amount as not to be considered a constituent. 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 outside of the package since the sacks contained less than represented.

On September 20, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15230. Adulteration and alleged misbranding of butter. U. S. v. 106 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21974. I. S. No. 19532-x. S. No. C-5483.)

On June 28, 1927, 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 seizure and condemnation of 106 tubs of butter, remaining in the original unbroken packages at Chicago, Ill.; alleging that the article had been shipped by the Portage Cooperative Creamery, from Portage, Wis., June 22, 1927, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated, in that it contained less than 80 per cent of butterfat.

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 in terms of weight or measure.

On July 1, 1927, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further 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 \$1,000, conditioned in part that the adulterated portion be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

15231. Adulteration of butter. U. S. v. 326 Boxes of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21975. I. S. Nos. 7684-x to 7689-x, incl. S. No. E-6115.)

On June 27, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 326 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned in part about June 3, 1927, and in part about June 10, 1927, alleging that the article had been shipped by the Meriden Creamery Co., Kansas City, Mo., and transported from the State of Missouri into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent by weight of milk fat had been substituted in

whole or in part for butter, which the said article purported to be, the act of Congress, approved March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On July 1, 1927, the Meriden Creamery Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$4,000, conditioned in part that it not be sold or otherwise disposed of contrary to law, and it was further ordered by the court that the said product be reworked under the supervision of this department so that it contain at least 80 per cent of milk fat.

W. M. JARDINE, *Secretary of Agriculture.*

15232. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21989. I. S. No. 14797-x. S. No. 9.)

On July 7, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Harpers Ferry Creamery Co., Harpers Ferry, W. Va., alleging that the article had been shipped from Harpers Ferry, W. Va., on or about July 5, 1927, and transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Harpers Ferry Creamery, Harpers Ferry, West Va."

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 13, 1927, Crawford & Lehman, Inc., Philadelphia, Pa., having appeared as claimant for the property and having admitted the allegations of the libel, 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, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15233. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21976. I. S. No. 15591-x. S. No. C-5484.)

On June 23, 1927, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of shell eggs, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by J. A. Montgomery, Inc., West Point, Miss., on or about June 21, 1927, and transported from the State of Mississippi into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From J. A. Montgomery, Inc., West Point, Miss."

It was alleged in the libel that the article was adulterated, in that part of the said eggs were rotten and decomposed.

On July 18, 1927, 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.

W. M. JARDINE, *Secretary of Agriculture.*

15234. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21987. I. S. No. 20551-x. S. No. 4.)

On July 5, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 tubs of butter, at New York, N. Y., alleging that the article