

and condemnation of 30 packages of tablets *Bacillus bulgaricus*, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Fairchild Bros. & Foster, New York, N. Y., on or about August 6, 1928, and transported from the State of New York into the State of Louisiana, 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 its strength or purity fell below the professed standard or quality under which it was sold, namely, "Tablets of the *Bacillus Bulgaricus*. Contains the true *Bacillus Bulgaricus* * * * preserved in a stable, potent form."

Misbranding was alleged for the reason that the following statements appearing upon and within the packages were false and misleading: (Carton) "Tablet of the *Bacillus Bulgaricus*. Contains the true *Bacillus Bulgaricus* preserved in a stable potent form;" (circular) "Tablet of the *Bacillus Bulgaricus*. Contains the true *Bacillus Bulgaricus* conserved in a stable form * * * It is rigidly standardized, potency guaranteed for the time stamped upon the label."

On November 20, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16090. Misbranding of alfalfa meal. U. S. v. 4 Sacks of Alfalfa Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23126. I. S. No. 02661. S. No. 1234.)

On October 8, 1928, the United States attorney for the Western 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 4 sacks of alfalfa meal, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Pecos Valley Alfalfa Mill Co., Hagerman, N. Mex., August 1, 1928, and transported from the State of New Mexico into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Alfalfa Meal 100 Lbs. Net When Packed, Made by The Pecos Valley Alfalfa Mill Company, Hagerman, New Mexico, Guaranteed Analysis: Protein 12%, Fibre 35%, Made From Alfalfa Hay."

It was alleged in the libel that the article was misbranded in that the statements, "Guaranteed Analysis Protein 12%, Fibre 35%," were false and misleading and deceived and misled the purchaser.

On November 12, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16091. Misbranding of poultry greens. U. S. v. 1000 Sacks of Atlas Poultry Greens. Decree of condemnation entered. Product released under bond. (F. & D. No. 23120. I. S. No. 0157. S. No. 1223.)

On October 5, 1928, the United States attorney for the District of Maryland, 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 1,000 sacks of Atlas poultry greens, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the A. W. Scott Co., from San Francisco, Calif., on or about September 22, 1928, and transported from the State of California into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Atlas Poultry Greens Made from Fancy Ground Alfalfa * * * Guaranteed Analysis—Protein 20% Min., Fibre 18% Max. * * * The A. W. Scott Co., * * * San Francisco, Calif."

It was alleged in the libel that the article was misbranded in that the statements, "Guaranteed Analysis—Protein 20% Min., Fibre 18% Max.," borne on the label, were false and misleading and deceived and misled the purchaser, when applied to a product containing less protein and more fiber than that stated in the labeling.

On November 7, 1928, the A. W. Scott Co., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of