

17415. Adulteration of shell eggs. U. S. v. 8 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23862. I. S. No. 08336. S. No. 1946.)

On April 22, 1929, 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 8 cases of eggs at Chicago, Ill., alleging that the article had been shipped by the Sturdy Baby Chick Co., Springfield, Ohio, on April 12, 1929, and transported from the State of Ohio into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 12, 1929, 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.*

17416. Adulteration of butter. U. S. v. Wisconsin Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 23764. I. S. No. 020552.)

On February 4, 1930, the United States attorney for the Western District of Wisconsin, 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 Wisconsin Creamery Co., a corporation, Sauk City, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about August 6, 1929, from the State of Wisconsin into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On February 4, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17417. Alleged adulteration of evaporated apples. U. S. v. 175 Boxes, et al., of Evaporated Apples. Tried to the court. Judgments finding product not adulterated and dismissing cases. (F. & D. Nos. 24315, 24316, 24388. I. S. Nos. 04001, 04002, 04007, 04008. S. Nos. 2567, 2641.)

On December 5, and December 19, 1929, respectively, the United States attorney for the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 211 boxes of evaporated apples, remaining in the original unbroken packages in part at Atlanta, Ga., and in part at West Point, Ga., alleging that the article had been shipped by J. W. Blocher, from Bentonville, Ark., on or about September 13, 1929, and transported from the State of Arkansas into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sulphur Bleach Evaporated Apples, Packed by J. W. Blocher, Bentonville, Arkansas."

It was alleged in the libels that the article was adulterated in that excessive water had been mixed and packed with the said article, so as to reduce and lower its quality and strength.

On February 8, 1930, the cases came on for trial before the court. After the introduction of evidence judgments were entered that the product was not adulterated. It was ordered by the court that the said product be delivered to Paradise & Rich and W. E. Edwards & Co., of Atlanta, Ga., and the West Point Wholesale Grocery Co., West Point, Ga., and that the cases be dismissed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17418. Adulteration of cheese. U. S. v. 9 Boxes of Double Daisies Cheese, et al. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 23632. I. S. Nos. 01342, 01343, 01344. S. No. 1862.)

On April 16, 1929, the United States attorney for the District of Minnesota, 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 9 boxes of double daisies, 8 boxes of twin daisies, and 19 boxes of triple

daisies cheese, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by C. L. Linzmeyer from Wildwood, Wis., on April 4, 1929, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Armour & Co., South St. Paul, Minn."

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with it and substituted in part for the said article.

On July 18, 1929, Armour & Co., South St. Paul, 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reground and disposed of in a manner approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17419. Misbranding of evaporated apples. U. S. v. Standard Apple Products (Inc.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 21556. I. S. Nos. 6706-x, 6707-x.)

On December 6, 1926, 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 an information against the Standard Apple Products (Inc.), a corporation, trading at Rochester, N. Y., alleging shipments by said company, in violation of the food and drugs act as amended, on or about November 23, 1925, from the State of New York into the State of North Carolina, of quantities of evaporated apples which were misbranded. The article was labeled in part: "50 Lbs. Net (or "25 Lbs. Net.") Victor Evaporated Apples Sulphured Packed by Standard Apple Products, Inc. Rochester, N. Y."

It was alleged in the information that the article was misbranded in that the statements, "50 Lbs. Net" and "25 Lbs. Net," borne on the cases containing the article, were false and misleading in that the said statements represented that the cases contained 50 pounds or 25 pounds, as the case might be, of the said article, 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 cases contained 50 pounds or 25 pounds, as the case might be, of the article; whereas the said cases contained less than so represented. 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, in that the quantity stated on the package represented more than the actual contents thereof.

On July 18, 1929, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17420. Adulteration of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24033. I. S. No. 011805. S. No. 2135.)

On July 22, 1929, 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 7 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Stark Creamery Association, from Sleepy Eye, Wis., on July 11, 1929, and transported from the State of Wisconsin into the State of Illinois, 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, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article; in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted from the said article; and in that it contained less than 80 per cent of butterfat.

On December 14, 1929, B. V. Randack, trading as B. V. Randack & 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