

8834. Adulteration of shell eggs. U. S. * * * v. 175 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12555. I. S. No. 12593-r. S. No. E-2024.)

On February 27, 1920, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 175 cases of shell eggs, remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped on or about February 14, 1920, by J. K. Lasher and Brother, New York, N. Y., and transported from the State of New York into the State of Rhode Island, and charging adulteration under the Food and Drugs Act.

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

On March 2, 1920, John K. Lasher and Brother, claimant, having filed an answer consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the cost of these proceedings and the execution of a bond in the sum of \$1,750, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8835. Adulteration and misbranding of gray shorts. U. S. * * * v. 500 Sacks of Alleged Gray Shorts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12816. I. S. No. 114-r. S. No. E-2319.)

On June 3, 1920, the United States attorney for the Southern 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 for the seizure and condemnation of 500 sacks of alleged gray shorts, remaining unsold in the original unbroken packages, at Brunswick, Ga., alleging that the article had been shipped on or about May 4, 1920, by the Gateway Milling Co., Kansas City, Mo., and transported from the State of Missouri into the State of Georgia, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "Mfg. by Gateway Milling Co. Kansas City, Mo. Gray Shorts Red Dog Flour Pulverized Wheat Bran 100 lbs. Net. Guaranteed Analysis Protein, not less than 15.00%, Fat, not less than 3.50%, Crude Fibre, not more than 10.00%, Carbohydrates (Nitrogen free extract), not less than 52.50%."

Analysis of a sample of the product by the Bureau of Chemistry of this department show that it contained rice hulls, 3.34 per cent of fat, and 11.90 per cent of crude fiber.

Adulteration of the article was alleged in the libel for the reason that ground rice hulls had been mixed and packed with the article, and had been substituted wholly or in part therefor.

Misbranding of the article was alleged for the reason that the statements on the labels of the said sacks, "Gray Shorts * * * Red Dog Flour * * * Pulverized Wheat Bran * * * Fat, not less than 3.50%. Crude Fibre, not more than 10.00%," were false and misleading and the article was labeled so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, gray shorts.

On August 23, 1920, the Gateway Milling Co., Kansas City, Mo., having filed an answer and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to