

10699. Adulteration of shell eggs. U. S. * * * v. 46 Cases * * * of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16792. I. S. No. 3931-v. S. No. C-3776.)

On August 12, 1922, 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 for the seizure and condemnation of 46 cases, more or less, of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Albert Reimold, Maitland, Mo., August 4, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On August 16, 1922, the Norris Poultry & Egg Co., St. Joseph, Mo., claimant, having admitted the material allegations of the libel and having consented to a decree, 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, in conformity with section 10 of the act, conditioned in part that the product be candled under the supervision of this department and the bad portion thereof destroyed, and the good portion delivered to the claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10700. Adulteration and misbranding of cottonseed cake and cottonseed cake or meal. U. S. * * * v. Robert Lee Batte, trading as Thorndale Oil Mill Co. or Thorndale Oil Mill. Pleas of guilty. Fine, \$100. (F & D. Nos. 13084, 13178. I. S. Nos. 10725-r, 18812-r.)

On July 9, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Robert Lee Batte, trading as Thorndale Oil Mill Co., or Thorndale Oil Mill, Thorndale, Texas, alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about September 19, 1918, from the State of Texas into the State of Indiana, of a quantity of cottonseed cake which was adulterated and misbranded, and on or about January 20, 1920, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake or meal which was misbranded. The shipment into Indiana was invoiced as C. S. Cake and sold under contract by the defendant as 43 per cent protein cottonseed cake. The shipment into Kansas was labeled in part, "Cotton Seed Cake or Meal 100 Lbs. Gross 99 Lbs. Net * * *"

Analysis of a sample from the Indiana shipment, by the Bureau of Chemistry of this department, showed that it contained 41.6 per cent of protein. Examination of 30 sacks from the Kansas shipment, by the Bureau of Chemistry of this department, showed an average net weight of 95.3 pounds.

Adulteration of the article in the Indiana shipment was alleged in one of the informations for the reason that a product which contained less than 43 per cent of protein had been substituted for 43 per cent cottonseed cake which the article purported to be.

Misbranding of the article in the Kansas shipment was alleged in the other information for the reason that the statement, to wit, "100 Lbs. Gross 99 Lbs. Net," borne on the tags attached to the sacks containing the article, regarding it, was false and misleading in that it represented that each of the sacks weighed 100 pounds gross and that each of said sacks contained 99 pounds net of the article, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks weighed 100 pounds gross and contained 99 pounds net of the article, whereas, in truth and in fact, each of said sacks did not weigh 100 pounds gross but weighed a less amount and each of said sacks did not contain 99 pounds net of the article but contained a less amount. Misbranding of the article in both shipments was alleged 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 November 21, 1921, the defendant entered pleas of guilty to the informations, and the court imposed fines amounting in the aggregate to \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*