

**12573. Adulteration and misbranding of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond, to be reworked. (F. & D. No. 18864. I. S. No. 13257-v. S. No. E-4889.)**

On July 16, 1924, 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 the seizure and condemnation of 9 tubs of butter remaining in the original unbroken packages at New York, N. Y., consigned about June 25, 1924, alleging that the article had been shipped by the Sebeka Cooperative Creamery Assoc., Sebeka, Minn., and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On July 29, 1924, The Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel and consented to the entry of 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 \$250, in conformity with section 10 of the act, conditioned in part that the product be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

**12574. Misbranding of oats. U. S. v. 50 Sacks of Oats, More or Less. Decree of condemnation entered. Product ordered destroyed. (F. & D. No. 18636. I. S. No. 18073-v. S. No. C-4359.)**

On April 30, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 sacks of oats, remaining in the original unbroken packages at Baird, Miss., alleging that the article had been shipped by the Mississippi Elevator Co., Memphis, Tenn., April 21, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act. The article was invoiced "Oats."

Misbranding of the article was alleged in the libel for the reason that the said sacks contained an admixture of oats containing moisture, wild oats, barley skimmings, rye, corn, chaff, dirt, and foreign material and the said article was offered for sale under the distinctive name of oats. 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.

On July 31, 1924, a decree of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

**12575. Adulteration and misbranding of oats. U. S. v. 125 Sacks of Oats, More or Less. Decree of condemnation entered. Product released under bond. (F. & D. No. 18658. I. S. No. 18082-v. S. No. C-4367.)**

On May 6, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 125 sacks of oats, remaining in the original unbroken packages at Oxford, Miss., alleging that the article had been shipped by John Wade & Sons, Memphis, Tenn., April 28, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "White Oats Sulphurized John Wade & Sons, Inc., Memphis, Tenn."

Adulteration of the article was alleged in the libel for the reason that it contained an admixture consisting of foreign material, including wild oats, barley, chaff, dirt, and excess moisture, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and which had been substituted wholly or in part for oats.