

which was much less than the amount required to comply with recognized trade practice in ice cream. Misbranding was alleged for the further reason that the article was a mixture containing a deficient amount of butterfat, prepared in imitation of and offered for sale under the distinctive name of another article, to wit, ice cream.

On April 17, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine and costs in the amount of \$125.

HOWARD M. GORE, *Secretary of Agriculture.*

12589. Adulteration and misbranding of flour. U. S. v. 620 Sacks of Flour. Product released under bond, to be reconditioned. (F. & D. No. 18514. I. S. No. 11659-v. S. No. W-1499.)

On March 27, 1924, the United States attorney for the District of Arizona, 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 620 sacks of flour at Tucson, Ariz., alleging that the article had been shipped by the El Paso Grain & Milling Co., El Paso, Texas, on or about March 11, 1924, and transported from the State of Texas into the State of Arizona, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Globe Mills Flour Globe Bakers Globe Mills El Paso, * * * Matured-Bleached * * * 98 Lbs. Baker's Globe Flour."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "98 pounds," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and 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 April 4, 1924, the El Paso Grain & Milling Co., El Paso, Texas, having appeared as claimant for the property and the product having been theretofore reduced to a moisture content of 13½ per cent or less and the sacks having been filled to their stated weight of 98 pounds, it was ordered by the court that the product be released to the said claimant and that the bond theretofore executed be exonerated, and it was further ordered that the costs be taxed against the claimant.

HOWARD M. GORE, *Secretary of Agriculture.*

12590. Adulteration and misbranding of canned corn. U. S. v. 450 Cases of Canned Corn. Decree entered, ordering product released under bond, to be reconditioned. (F. & D. No. 18253. I. S. No. 6481-v. S. No. C-4246.)

On December 29, 1923, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and thereafter an amended libel praying the seizure and condemnation of 450 cases of canned corn at Stamps, Ark., alleging that the article had been shipped by H. M. Crites & Co., Circleville, Ohio, on or about September 23, 1923, and transported from the State of Ohio into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Crites Best Brand Sugar Corn * * * H. M. Crites & Co. * * * Circleville Ohio."

Adulteration of the article was alleged in the libel as amended for the reason that the contents of a very large percentage of the said cans consisted wholly or in part of a filthy, decomposed, and putrid substance.

Misbranding was alleged in substance for the reason that the labeling of the said article was false and misleading in that it was so labeled as to mislead and deceive the purchaser into the belief that it was a product fit for food, whereas a large percentage of the product was not fit for food but was decomposed and putrid.

On May 26, 1924, M. H. Crites & Co., Circleville, Ohio, having appeared as claimant for the property, judgment of the court was entered, finding that a portion of the product was unfit for food, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be reconditioned, and it was further ordered that the costs be paid by the said claimant.

HOWARD M. GORE, *Secretary of Agriculture.*