

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On February 21, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12619. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. 166 Sacks and 337 Sacks of Wheat Gray Shorts and Screenings. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 731-C. I. S. No. 12316-v. S. No. C-4315.)

On February 25, 1924, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 503 sacks of wheat gray shorts and screenings, at Fort Scott, Kansas, alleging that the article had been shipped by the Kansas Flour Mills Co. from North Kansas City, Mo., on or about January 31, 1924, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Lbs. When Packed Wheat Gray Shorts & Screenings Not exceeding 8% of Screenings. Guaranteed Analysis Protein, not less than 16.00% * * * Fiber, not more than 6.5%. Licensed and Registered by The Kansas Flour Mills Company, Kansas City, Missouri."

Adulteration of the article was alleged in the libels for the reason that ground bran had been substituted in part for gray shorts.

Misbranding was alleged in substance for the reason that the statement on the label to the effect that the article contained not more than 6.5 per cent of fiber was false, for in truth and in fact the article contained more than 6.5 per cent of fiber. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, so as to deceive and mislead the purchaser thereof, and for the further reason that it was in package form and the contents were not correctly stated on the outside of the said package.

On March 7, 1924, The Kansas Flour Mills Co., Kansas City, Mo., claimant, having consented to the entry of a decree, judgments of condemnation were 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 bonds in the aggregate sum of \$750, in conformity with section 10 of the act, conditioned in part that it be rebranded.

HOWARD M. GORE, *Secretary of Agriculture.*

12620. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18863. I. S. No. 13184-v. S. No. E-4888.)

On or about July 18, 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 20 tubs of butter, consigned on or about July 8, 1924, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery Assoc. from Big Rapids, Mich., and transported from the State of Michigan 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 substances deficient in butterfat had been mixed and packed therewith so as to reduce and 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 September 2, 1924, the Farmers Cooperative Creamery Assoc., 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 \$500, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12621. Misbranding of butter. U. S. v. Ravenna Creamery Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 18588. I. S. No. 12101-v.)

On July 15, 1924, the United States attorney for the District of Nebraska, 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 Ravenna Creamery Co., a corporation, Ravenna, Nebr., alleging shipment by said company in violation of the food and drugs act as amended, on or about December 15, 1923, from the State of Nebraska into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "Standard of Excellence Ravenna Creamery Co. Ravenna, Nebraska * * * One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 120 packages of the article showed that the average net weight of the product examined was 15.7 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the said article, was false and misleading in that the said statement represented that each of the packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter but did contain a less amount. 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 August 26, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12622. Misbranding of assorted jellies. U. S. v. 58 Cases of Assorted Jellies. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17372. I. S. Nos. 7685-v, 7686-v, 7687-v, 7688-v, 7689-v. S. No. W-1354.)

On April 4, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on September 12, 1923, an amended libel, praying the seizure and condemnation of 58 cases of assorted jellies remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Lakeside Preserving Co., from Chicago, Ill., on or about November 10, 1922, and transported from the State of Illinois into the State of Utah, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Colonial Brand Pure Fruit Jelly Apple And Strawberry" (or "Apple And Currant," or "Apple And Grape," or "Apple And Raspberry," or "Apple").

Misbranding of the article was alleged in the libel as amended for the reason that the statements on the labels, "Pure Fruit Jelly" and "Apple And Strawberry," or "Apple And Currant," or "Apple And Grape," or "Apple," or "Apple And Raspberry," as the case might be, were false and misleading and deceived and misled the purchaser.

On October 4, 1923, the Lakeside Preserving Co., Chicago, Ill., having appeared as claimant for the property and having 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 \$300, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12623. Adulteration and misbranding of corn meal. U. S. v. Mayo Milling Co., Inc., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17911. I. S. Nos. 1040-v, 2728-v.)

On or about January 3, 1924, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed