12859. Misbranding of butter. U. S. v. 5 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18914. I. S. No. 20163–v. S. No. W–1528.)

On or about July 16, 1924, the United States attorney for the Northern District of California, 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 5 cases of butter, delivered for shipment in interstate commerce and remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Western Meat Co., from San Francisco, Calif., to the Territory of Hawaii, July 8, 1924, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Parkdale Brand Creamery Butter * * * 1 Pound Net Weight Distributed by Western Meat Co. San Francisco."

Misbranding of the article was alleged in the libel for the reason that it was labeled "1 Pound Net Weight," whereas the packages, as a matter of fact, contained a lesser quantity.

On August 27, 1924, the Western Meat Co., San Francisco, Calif., 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 $145, in conformity with section 10 of the act, conditioned in part that it be brought into conformity with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12860. Adulteration of shell eggs. U. S. v. Fred R. Smith. Plea of guilty. Fine, $25. (F. & D. No. 18329. I. S. No. 5355–v.)

On October 9, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred R. Smith, Beardsley, Kans., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 21, 1923, from the State of Kansas into the State of Nebraska, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From F. R. Smith, Beardsley, Kans."

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 96 eggs, or 6.6 per cent of those examined, were inedible, consisting of black rots, mixed or white rots, spot rots, and blood rings.

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

On October 30, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

W. M. JARDINE, *Secretary of Agriculture.*

12861. Adulteration of shell eggs. U. S. v. Albert E. Johnson. Plea of guilty. Fine, $25. (F. & D. No. 17809. I. S. No. 5945–v.)

On December 15, 1923, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert E. Johnson, Haworth, Okla., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 30, 1923, from the State of Oklahoma into the State of Texas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From A. E. Johnson, Haworth, Okla."

Examination by the Bureau of Chemistry of this department of 688 eggs from the consignment showed that 306 eggs, or 44.4 per cent of those examined, were inedible, consisting of black rots, mixed or white rots, spot rots, blood rings, and enlarged embryos.

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

On October 13, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

W. M. JARDINE, *Secretary of Agriculture.*