13154. Adulteration and misbranding of oats. U. S. v. 400 Sacks of Daisy Mixed Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18644. I. S. No. 18064–v. S. No. C–4352.)

On May 3, 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 400 sacks of Daisy mixed oats, remaining in the original unbroken packages at West Point, Miss., alleging that the article had been shipped by Embry E. Anderson, Memphis, Tenn., April 23, 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: "Daisy Mixed Oats Other Grains Recleaned Bleached Embry E. Anderson Memphis, Tenn.," the words "Daisy Mixed Oats" being in relatively large heavy type, and the words "Other Grains" in relatively small light type.

Adulteration of the article was alleged in the libel for the reason that water and salt had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality or strength and for the further reason that screenings, water, and salt had been substituted wholly or in part for oats.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the designation "Daisy Mixed Oats Recleaned" was false and misleading and deceived and misled the purchaser, and the statement "Other Grains" did not correct the misleading impression conveyed by the words "Daisy Mixed Oats."

On October 7, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13155. Misbranding of oats. U. S. v. 140 Sacks of Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18672. I. S. No. 18070–v. S. No. C–4354.)

On May 9, 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 140 sacks of oats, remaining in the original unbroken packages at Starkville, Miss., alleging that the article had been shipped by L. P. Cook, Memphis, Tenn., April 23, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Top of sack) "Sulphurized Oats," (bottom of sack) "Mixed Grain 160 Lbs. Gross."

Misbranding of the article was alleged in substance in the libel for the reason that it was a product consisting of an admixture of oats and foreign material including wild oats, barley, rye and wheat chaff, and dirt, and was offered for sale under the distinctive name of another article, to wit, "Sulphurized Oats." Misbranding was alleged for the further reason that the designation "Sulphurized Oats" was false and misleading and deceived and misled the purchaser and the statement "Other Grains" ("Mixed Grain") placed inconspicuously at the bottom of the sacks did not correct the misleading impression conveyed by the words "Sulphurized Oats." Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and numerical count since "Gross Weight" was given instead of "Net Weight."

On October 7, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13156. Adulteration and misbranding of oats. U. S. v. 40 Sacks of Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18660. I. S. No. 18081–v. S. No. C–4370.)

On May 7, 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