

Misbranding of the article was alleged in substance in the libel for the reason that the labeling bore statements, designs, and devices, to wit, "Guaranteed Analysis Protein 10% Fat 2% Fibre 15%," which were false and misleading and deceptive to the purchaser.

On March 23, 1925, the Atlantic Milling Co., Augusta, Ga., claimant, having admitted the allegations of the libel 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 \$200, in conformity with section 10 of the act, conditioned in part that it be relabeled by changing the guaranteed analysis to read "Protein 7½%, Fat 1½%, Fibre 17½%," and that the word "Oats" be stricken from the statement of ingredients and the words "Peanut Hulls" added thereto.

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

**13303. Adulteration of oranges. U. S. v. 99 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction or sale.** (F. & D. Nos. 19853, 19854. I. S. No. 20712-v. S. No. W-1672.)

On February 12, 1925, the United States attorney for the District of Colorado, 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 99 boxes of oranges, remaining in the original unbroken packages at Denver, Colo., consigned by the Randolph Marketing Co., Bryn Mawr, Calif., alleging that the article had been shipped from Bryn Mawr, Calif., on or about December 31, 1924, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mallard Brand Randolph Marketing Co. California."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance, to wit, decomposed oranges.

On April 23, 1925, 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, said judgment containing the proviso that the product might be sorted under the supervision of this department and the good portion sold.

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

**13304. Misbranding of meat scrap. U. S. v. 200 Sacks of Meat Scrap. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19465. I. S. No. 21289-v. S. No. E-5089.)

On January 2, 1925, the United States attorney for the District of Maryland, 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 200 sacks of meat scrap, remaining in the original unbroken packages at Westminster, Md., consigned about November 3, 1924, alleging that the article had been shipped by the Allentown Mfg. Co., from Allentown, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Jordan Meat Scrap Guaranteed Analysis Protein 55% \* \* \* Manufactured By Allentown Mfg. Co., Allentown, Pa."

Misbranding of the article was alleged in the libel for the reason that the label bore the statement, regarding the said article, "Guaranteed Analysis Protein 55%," which was false and misleading and deceived and misled the purchaser.

On February 24, 1925, Englar & Sponsellar, Westminster, Md., having appeared as claimant for the property, 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until plainly and conspicuously labeled to show its contents.

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

**13305. Misbranding of butter. U. S. v. Darter Butter Co. Plea of guilty. Fine, \$100 and costs.** (F. & D. No. 18306. I. S. Nos. 4599-v, 4600-v, 4676-v.)

On March 7, 1924, the United States attorney for the Western District of Virginia, 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 Darter Butter Co., a corporation, Bristol, Va., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about August 17 and 18, 1923, respectively, from the State of Virginia into the State of Tennessee, of quantities of butter which was misbranded. The article was labeled in part: "Lily Butter Darter Butter Co. Bristol, Va.-Tenn. Pasteurized One Pound Net."

Weighings by the Bureau of Chemistry of this department of 45, 24, and 23 samples from the different consignments showed averages of 14.85 ounces, 14.90 ounces, and 14.94 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the said article, was false and misleading, in that the said statement represented that the packages each contained 1 pound net 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 the said packages each contained 1 pound net of butter, whereas they did not 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 April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

**13306. Adulteration and misbranding of evaporated apples. U. S. v. 17 Cases, et al., of Evaporated Apples. Decrees of condemnation. Product released under bond.** (F. & D. Nos. 19899, 19913. I. S. Nos. 13900-v, 13927-v, 13928-v, 14228-v. S. Nos. E-5169, E-5187.)

On March 14 and 20, 1925, respectively, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 60 cases and 37 boxes of evaporated apples, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by E. B. Holton, from Webster, N. Y., in part November 25, 1924, and in part January 17, 1925, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, variously, in part: "Holton Brand Fancy Evaporated Apples Packed By E. B. Holton, Manufacturer and Packer Of Evaporated Fruits, Webster, N. Y.," "Holton Brand Fancy Wood Dried Evaporated Ring Apples," or "Daisie Brand Choice Evaporated Ring Apples Packed By E. B. Holton, Webster, N. Y."

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

Misbranding was alleged for the reason that the statements "Evaporated Ring Apples," "Evaporated Apples," and "Evaporated Fruits," as the case might be, appearing in the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 15, 1925, E. B. Holton, Webster, N. Y., having entered an appearance as claimant for the property and having filed satisfactory bonds in conformity with section 10 of the act, judgments of condemnation were entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

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

**13307. Adulteration of canned salmon. U. S. v. Kuiu Island Warehouse Co. and Beauclaire Packing Co. Plea of guilty. Fine, \$50.** (F. & D. No. 19280. I. S. No. 12068-v.)

On February 17, 1925, the United States attorney for the Western District of Washington, 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 Kuiu Island Warehouse Co., a corporation, having a representative at Seattle, Wash., and the Beauclaire Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said companies, in violation of the food and drugs act, on or about September 22, 1923, from the Territory of Alaska