

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted wholly or in part for the said article, and in that a valuable constituent, namely, butterfat, had been in part abstracted.

On August 5, 1925, the Hub City Creamery, Centralia, Wash., 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 \$500, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the law under the supervision of this department.

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

13725. Misbranding of butter. U. S. v. 5 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20135, 20136, 20137, 20138. I. S. Nos. 23421-v, 23424-v, 23426-v, 23427-v. S. Nos. W-1723, W-1724, W-1725, W-1726.)

On or about May 26, 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 four libels praying the seizure and condemnation of 5 cases of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Corvallis Creamery Co., Portland, Oreg., arriving at Seattle on or about May 25, 1925, and transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Gold Medal Brand Heathized Butter Pasteurized Corvallis Creamery Co. Inc.," in part "Dainty Quarters," (quarters labeled) "Weight Four Ounces."

It was alleged in the libel that the article was misbranded in violation of section 8 of the act paragraphs 2 and 3 under "Food," in that it was short weight, and the net weight was not declared on the principal label.

On or about June 18, 1925, the Corvallis Creamery Co., Inc., Portland, Oreg., having appeared as claimant for the property and having paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned and relabeled under the supervision of this department, said decree providing that the claimant execute a bond, or deposit certified check in the amount of \$150, to insure compliance with the law.

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

13726. Adulteration and misbranding of Gromeal feed, beef scrap, and tankage. U. S. v. Swift & Co. Plea of guilty. Fine and costs, \$25. (F. & D. No. 19342. I. S. Nos. 10596-v, 12640-v, 22251-v.)

On April 16, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Newark, N. J., alleging shipment by said company, in various consignments, namely, on or about October 16, 1923, and January 31, 1924, respectively, from the State of New Jersey into the State of Maryland, and on or about June 6, 1924, from the State of New Jersey into the State of Virginia, of quantities of feeds which were adulterated and misbranded. The articles were labeled, variously, in part: "Swift's Gromeal * * * Swift & Company, Newark, N. J., Guaranteed Analysis Protein 50%," "Beef Scrap * * * Guaranteed Analysis Protein 55%," and "Swift's Digester Tankage Manufactured by Swift & Company Newark, N. J. Guaranteed Analysis Protein 60%."

Analysis by the Bureau of Chemistry of this department of samples of the Gromeal, beef scrap, and digester tankage showed that they contained 46.8 per cent, 52.7 per cent, and 55.6 per cent, respectively, of protein.

Adulteration of the articles was alleged in the information for the reason that substances deficient in protein had been substituted for the respective articles.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 50%," "Highest Quality Selected Beef Scrap Made From Pure Ground Meat Cracklings Guaranteed Analysis Protein 55%," and "Guaran-

ted Analysis Protein 60%," borne on the labels of the respective articles, were false and misleading, in that the said statements represented that the articles contained 50 per cent, 55 per cent, or 60 per cent, of protein, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained 50 per cent, 55 per cent, or 60 per cent, of protein, as the case might be, whereas the articles did not contain the said respective amounts of protein but did contain less amounts.

On July 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed judgment in the amount of \$25, which included fine and costs.

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

13727. Adulteration of oranges. U. S. v. 36 Crates of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18661. I. S. No. 2432-v. S. No. E-4828.)

On May 7, 1924, the United States attorney for the Western 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 36 crates of oranges, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by S. J. Sligh & Co., from Erie, Pa., on or about April 19, 1924, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Florida Oranges Elk Trade Mark * * * S. J. Sligh & Co., Orlando, Fla. Lake Griffin."

Adulteration of the said oranges was alleged in the libel for the reason that they consisted in whole or in part of worthless tree-dried oranges which had been substituted for the said article.

On May 31, 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.*

13728. Misbranding of Avalon distemper and cold compound. U. S. v. 4 Bottles of Avalon Distemper and Cold Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15555. S. No. E-3842.)

On November 10, 1921, the United States attorney for the Western 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 4 bottles of Avalon distemper and cold compound, remaining in the original unbroken packages at Addison, N. Y., consigned by the Avalon Farms Co., alleging that the article had been shipped from Chicago, Ill., on or about August 4, 1921, and transported from the State of Illinois into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed essentially of ammonium chloride, iron chloride, glycerin, mydriatic alkaloid, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements, borne on the labels of the bottles containing the said article, and in the accompanying circular: (Bottle label) "Distemper * * * Compound * * * Recommended for * * * strangles distemper or shipping fever" (circular) "Distemper * * * Compound * * * Distemper * * * shipping fever and colt-ill * * * Strangles * * * give Avalon Farms Distemper And Cold Compound * * * until the aggravating symptoms subside, after which a dose three times a day is sufficient until recovery is complete" were false, misleading, and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed on the said bottle labels and circulars.

On May 29, 1923, 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.*