leased to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it be shipped to R. D. Waterman & Son, Fruitland, N. Y., to be reconditioned to the satisfaction of this department.

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

14033. Adulteration and misbranding of cheese. U. S. v. 90 Pounds of Cheese. Default order of destruction entered. (F. & D. No. 19387. I. S. No. 22550-v. S. No. C-4558.)

On December 17, 1924, the United States attorney for the District of Minnesota, 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 90 pounds of cheese, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., from Chicago, Ill., November 10, 1924, and transported from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping package) "Chicago Cheese & Farm Products Co. * * * Chicago, Ill.," (package) "Daisy Brand Farmer Cheese, Chicago Cheese & Farm Products Co."

Adulteration of the article was alleged in the libel for the reason that a substance, foreign fat, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Cheese," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing foreign fat, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On April 14, 1925, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

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

14034. Misbranding of flour. U. S. v. 110 Sacks, et al., of Flour. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19013, 19024. I. S. Nos. 3701-v, 3704-v, 3705-v, 3706-v, 16525-v. S. Nos. E-4948, E-4947.)

On September 25 and 27, 1924, respectively, the United States attorney for the Western District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 420 sacks of flour, in part at York, S. C., and in part at Anderson, S. C., alleging that the article had been shipped by the Sterling Mills, Inc., from Statesville, N. C., in part August 2, 1924, and in part September 3, 1924, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "48 Lbs. When Packed," or "24 Lbs. When Packed." A portion of the product was further labeled: "Sterling Flour, Sterling Mills, Inc., Statesville, N. C."

Misbranding of the article was alleged in the libels for the reason that the statements borne on the labels of the said sacks, to wit, "24 Lbs. When Packed" or "48 Lbs. When Packed," as the case might be, were false and misleading and deceived and misled purchasers thereof. 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 February 28, 1925, and March 7, 1925, respectively, the Sterling Mills, Inc., Statesville. N. C., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture 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 $1,000, in conformity with section 10 of the act, conditioned in part that the sacks be refilled to the declared weight and that the words "When Packed" be eliminated from the labels.

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