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 March 18, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12272. Misbranding of butter. U. S. v. 8 and 4 Cartons of Butter. Product released under bond. Decree that claimant pay costs. (F. & D. No. 17654. I. S. Nos. 5966–v, 5967–v, 6902–v, 6903–v. S. No. C–4067.)

On July 16, 1923, the United States attorney for the Western District of Louisiana, 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 12 cartons, each containing 30 1-pound prints, of butter, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by the Southwestern Creamery Co., Joplin, Mo., on or about July 9, 1923, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Meadow Queen Brand Creamery Butter Manufactured by Southwestern Creamery Company. Joplin, Missouri * * * 16 Oz. Net." The remainder of the said article was labeled in part: "Red Rose Brand * * * 16 Ounces Net."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "Sixteen Ounces," appearing in the labeling, was false and misleading and deceived and misled the purchaser. 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 said packages.

On October 19, 1923, the Southwestern Creamery Co., Joplin, Mo., claimant, having admitted the allegations of the libel and having taken the product down under bond, judgment of the court was entered ordering that the said claimant pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12273. Adulteration of shell eggs. U. S. v. Joseph E. Burns. Plea of guilty. Fine, $25 and costs. (F. & D. No. 17524. I. S. Nos. 7531–v, 7596–v.)

On October 10, 1923, 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 Joseph E. Burns, Ingalls, Kans.; alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, namely, on or about August 23 and 30, 1922, respectively, from the State of Kansas into the State of Colorado, of quantities of shell eggs which were adulterated. The article was labeled in part: "From J. E. Burns * * * Ingalls, Kansas."

Examination by the Bureau of Chemistry of this department of 720 eggs from each of the consignments showed the presence of 79 inedible eggs in the consignment of August 23 and 72 inedible eggs in the consignment of August 30, i. e., 10.97 per cent and 10 per cent, respectively, of those examined, which consisted principally 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 the article consisted in part of a filthy, decomposed, and putrid animal substance.

On March 10, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture*

12274. Adulteration and misbranding of butter. U. S. v. The Cudahy Packing Co., a Corporation. Plea of guilty. Fine, $100. F. & D. No. 17783. I. S No. 11264–v.)

On November 19, 1923, 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 an information against the Cudahy Packing Co., a corporation, trading at San Francisco, Calif., alleging that on or about April 17, 1923, the said company did deliver for shipment from San Francisco, Calif., to the Territory of Hawaii, a quantity of butter which was adulterated and misbranded within the meaning of the food and drugs act, as