16432. Adulteration of shell eggs. U. S. v. J. H. McCarty (J. H. McCarty Produce Co.). Plea of guilty. Fine, $10 and costs. (F. & D. No. 23713. I. S. Nos. 0816, 0821.)

On April 1, 1929, 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 an information against J. H. McCarty, trading as J. H. McCarty Produce Co., Tupelo, Miss., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, on or about July 20, 1928, and July 23, 1928, respectively, from the State of Mississippi into the State of Alabama, of quantities of shell eggs which were adulterated. The article was labeled in part: "From J. H. McCarty Produce Co."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On April 1, 1929, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16433. Misbranding of dairy feed. U. S. v. 65 Sacks of Dairy Feed. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 22699. I. S. No. 20381-x. S. No. 739.)

On April 16, 1928, 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 a libel praying seizure and condemnation of 65 sacks of dairy feed, remaining in the original unbroken packages at Harrisonburg, Va., alleging that the article had been shipped by the Deal Bros. Milling Co., from Cumberland, Md., March 16, 1928, and transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the food and drugs act.

It was alleged in substance in the libel that the article was misbranded in that the statements, "100 Lbs. Net When Packed, Jersey Dairy Feed, 16% Analysis Protein 16%, * * * Fiber 12%, Manufactured by the Deal Bros. Milling Co., Cumberland, Maryland," borne on the label, were false and misleading and deceived and misled the purchaser in that the purchaser was led to believe by the said label that the article contained 16 per cent of protein, whereas it contained considerably less than 16 per cent of protein, and in that the statement "Fiber 12%" was false in that the article contained fiber in a greater amount than 12 per cent.

On October 23, 1928, 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 sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16434. Adulteration and misbranding of feed. U. S. v. 79 Sacks of Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23065. I. S. No. 02229. S. No. 1149.)

On or about September 17, 1928, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 79 sacks of feed, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Carolina Milling Co. (Inc.), from Dillon, S. C., on or about July 13, 1928, and transported from the State of South Carolina into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "C. M. Horse and Mule Feed Manufactured by Carolina Milling Co., Inc., Dillon, South Carolina Guaranteed Analysis: Protein 10% Fat 2½%, * * * Contents Corn, Oats, Alfalfa, Oat Shorts, Oat Middlings, Cotton-seed Meal, Molasses 1% Salt."

It was alleged in the libel that the article was adulterated in that oatmeal mill by-product consisting largely of oat hulls, with some oat middlings and oat shorts, deficient in protein and fat, had been substituted in part for the said article and had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement on the label, "Guaranteed analysis: Protein 10% Fat 2½%," was false and misleading and deceived and misled the purchaser when applied to an article containing less than 10 per cent of protein and less than 2½ per cent of fat; and in that the