

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 the product be rebranded.

HOWARD M. GORE, *Secretary of Agriculture.*

**12490. Misbranding of butter. U. S. v. 9½ Cases and 2½ Cases of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 18833. I. S. Nos. 16150-v, 16151-v. S. No. E-4883.)**

On July 11, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 12 cases, each containing 30 1-pound prints, of butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from North Wilkesboro, N. C., on or about June 20, 1924, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Our Special Brand \* \* \* Made \* \* \* by the Laurel Creamery Company, North Wilkesboro, N. C." The remainder of the said article was labeled in part: "Blue Ridge Valley Butter \* \* \* Wilkes Co-operative Creamery North Wilkesboro, N. C."

Misbranding of the article was alleged in substance in the libels for the reason that the packages inclosing the article contained labels which bore statements regarding the said article which were false and misleading in that the said statements represented that the packages contained 1 pound of butter, or 1 pound net weight of butter, as the case might be, whereas in fact they did not. 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 August 8, 1924, the Wilkes Co-Operative Creamery Co. having appeared as claimant for the property, 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 \$320, in conformity with section 10 of the act, conditioned in part that the product be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

**12491. Adulteration and misbranding of gray wheat shorts and screenings. U. S. v. 400 Sacks and 400 Sacks of Gray Wheat Shorts and Screenings. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18377, 18378. I. S. Nos. 12305-v, 12306-v. S. Nos. C-4267, C-4268.)**

On January 10, 1924, the United States attorney for the District of Kansas, 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 800 sacks of gray wheat shorts and screenings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by T. C. Brunner & Son, from Omaha, Nebr., in two consignments, namely, on or about December 12 and December 14, 1923, respectively, and transported from the State of Nebraska into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Gray Wheat Shorts and Screenings Not more than 4% Wheat Screenings Guaranteed Analysis \* \* \* Not More than 5.5% Crude Fibre T. C. Brunner & Son Omaha 100 Lbs. When Packed."

It was alleged in substance in the libels that the article was adulterated in that it was not gray wheat shorts but was wheat mixed feed and screenings, with a high crude-fiber content, namely 8.21 per cent crude fiber.

It was further alleged in substance that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser in that the tag on the packages containing the said article stated that the contents of the said packages were "Gray Wheat Shorts and Screening," while, in truth and in fact, the said contents were wheat mixed feed and screenings finely ground. Misbranding was alleged for the further reason that the article was in package form and the contents were not stated in terms of weight or measure correctly on the outside of the package in that the label stated that the said contents