

tion was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On September 25, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11076. Adulteration of raspberries. U. S. v. 1,725 Crates of Raspberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16658. I. S. No. 2026-v. S. No. E-4075.)

On July 24, 1922, 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 for the seizure and condemnation of 1,725 crates of raspberries, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by Harvey Stewart, on or about July 1, 1922, in part from Philadelphia, Pa., and in part from Hammonton, N. J., and transported from the States of Pennsylvania and New Jersey, respectively, into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On September 8, 1922, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11077. Misbranding of flour. U. S. v. 400 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16755. I. S. No. 7826-v. S. No. W-1199.)

On August 28, 1922, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks of flour, remaining in the original unbroken packages at Spokane, Wash., consigned by the Royal Milling Co., Great Falls, Mont., alleging that the article had been shipped from Great Falls, Mont., on or about June 29, 1922, and transported from the State of Montana into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sacks) "Rex Flour * * * Bleached * * * Royal Milling Company Great Falls, Montana 98 Lbs."

Misbranding of the article was alleged in substance in the libel for the reason that the sacks containing the said article bore labels indicating that they contained 98 pounds of flour, net weight, and for the further reason that the sacks were labeled so as to deceive and mislead the purchaser into the belief that they contained the full number of pounds set forth on the said labels, whereas, in truth and in fact, each of said sacks contained a less amount. 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 packages, since the weight declared on the label was not correct.

On August 29, 1922, the Kalispell Flour Mill Co., having entered an appearance as claimant for the property, 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 \$200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11078. Adulteration and misbranding of butter. U. S. v. 18 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16769. I. S. No. 1216-v. S. No. E-4140.)

On August 25, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 18 cases of butter, remaining unsold at Washington, D. C., alleging that the article had been shipped by the Cudahy Packing Co., from Kansas City, Mo., on or about July 7, 1922, and transported from the State of Missouri into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sun-

light Creamery Butter Sunlight Creameries General Offices, Chicago, Illinois Sunlight."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Sunlight Creamery Butter * * *," borne on the cartons containing the article, was false and misleading in that the said statement represented that each of the said cartons contained creamery butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cartons contained creamery butter, whereas, in truth and in fact, each of said cartons did not contain creamery butter. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, creamery butter.

On September 16, 1922, the Western Creamery Co., claimant, having admitted the allegations of the libel and 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 \$200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11079. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 16778. I. S. No. 1111-v. S. No. E-4144.)

On August 29, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 5 tubs of butter, remaining unsold at Washington, D. C., alleging that the article had been shipped by the Rushmore Creamery Co., Rushmore, Minn., on or about August 8, 1922, and transported from the State of Minnesota into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "From Rushmore Creamery Co. Rushmore Minn."

Adulteration of the articles was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On October 9, 1922, the Rushmore Creamery Co., Rushmore, Minn., claimant, having admitted the allegations of the libel and 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 \$100, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11080. Adulteration and misbranding of cottonseed meal. U. S. v. Refuge Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 11802. I. S. Nos. 11051-r, 11057-r.)

On April 3, 1922, 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 the Refuge Cotton Oil Co., a corporation, Vicksburg, Miss., alleging shipment by said company in violation of the Food and Drugs Act, as amended, in two consignments, on or about October 5 and 9, 1918, respectively, from the State of Mississippi into the State of Michigan, of quantities of unlabeled cottonseed meal which was adulterated and misbranded. The article was described in a contract relating thereto as "Quality Good 7%."

Analysis, by the Bureau of Chemistry of this department, of a sample of the article taken from each consignment showed that the said samples contained