

11944. Adulteration and misbranding of flour. U. S. v. 294 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17885. I. S. No. 6461-v. S. No. C-4141.)

On October 29, 1923, the United States attorney for the Eastern District of Missouri, 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 294 sacks of flour, at St. Louis, Mo., alleging that the article had been shipped by the Moses Bros. Mills, Great Bend, Kans., on or about October 10, 1923, and transported from the State of Kansas into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the 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 November 17, 1923, the Annanburg Grain & Milling Co., St. Louis, Mo., having appeared as claimant for the property and consented to a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned that it be reconditioned under the supervision of this department and that the claimant pay the costs of the proceedings.

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

11945. Adulteration and misbranding of canned peas. U. S. v. 849 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16988. I. S. No. 3123-v. S. No. E-4226.)

On or about November 25, 1922, 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 the seizure and condemnation of 849 cases of canned peas, at Jacksonville, Fla., consigned by W. E. Robinson & Co., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about August 26, 1922, and transported from the State of Maryland into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Watervale Brand * * * Prepared From Ripe Peas."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, soaked peas, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the product was labeled, "Early June Peas These Peas Are Hand-Picked From Selected Alaska Or Early June Peas," which statements, together with the design showing a dish of green colored succulent-appearing shelled peas, were false and misleading and deceived and misled the purchaser, since the said article consisted of soaked peas.

On December 11, 1922, the W. E. Robinson & Co., Bel Air, Md., having appeared as claimant for the property and admitted the allegations of the libel, judgment of condemnation 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 \$1,400, in conformity with section 10 of the act, conditioned in part that if it be sold or disposed of under any branding, such branding should accurately and correctly describe said product.

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

11946. Adulteration and misbranding of horse and mule feed and saccharine meal. U. S. v. 100 Sacks of Perfecto Horse and Mule Feed and 100 Sacks of Steam-Dried Saccharine Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16900. I. S. Nos. 6053-v, 6054-v. S. No. E-3246.)

On November 6, 1922, 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 the seizure and condemnation of 100 sacks of Perfecto horse and mule feed and 100 sacks

of steam-dried saccharine meal, at Jacksonville, Fla., consigned by Milam-Morgan Co., New Orleans, La., alleging that the articles had been shipped from New Orleans, La., on or about October 14, 1922, and transported from the State of Louisiana into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Perfecto Horse And Mule Feed Manufactured By Milam-Morgan Co., Ltd. New Orleans, La. * * * Fibre 15.00% Fat 2.00% Protein 9.00%," "Steam Dried Saccharine Meal * * * Guaranteed Analysis Fat 1.00% Protein 7.00% * * * Fiber 17.00%."

Adulteration of the articles was alleged in the information for the reason that substances deficient in protein had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the products were labeled, respectively, "Protein 9.00%" and "Protein 7.00%," which statements were false and misleading and deceived and misled the purchaser, since the said articles were deficient in protein.

On December 12, 1922, the Milam-Morgan Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the products be released to the said claimant upon 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 it be relabeled so as to accurately and correctly describe the said products.

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

11947. Adulteration and misbranding of meat and bone scrap. U. S. v. 8 Sacks, et al., of Meat and Bone Scrap. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17509, 17539. I. S. Nos. 112-v, 435-v. S. Nos. E-4394, E-4402.)

On May 15 and 21, 1923, respectively, the United States attorney for the Southern District of New York, 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 1½ tons of meat and bone scrap, at Washingtonville, N. Y., and 8 sacks of meat and bone scrap, at Nyack, N. Y., consigned by the Economy Poultry Supply Co., Inc., Newark, N. J., alleging that the article had been shipped from Newark, N. J., in part on or about November 16, 1922, and in part on or about April 12, 1923, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Meat & Bone Scrap 100 pounds net * * * 'MM Hygrade-The Secret of Good Mash' From Economy Poultry Supply Co. Inc. Martin R. Maurer, Pres. Harrison, N. J. * * * Protein 50 to 55%."

Adulteration of the article was alleged in the libels for the reason that a substance deficient in protein had been mixed and packed with and substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Meat & Bone Scrap * * * 'Hygrade-The Secret of Good Mash' * * * Analysis: Protein 50 to 55%," were false and misleading and deceived and misled the purchaser.

On December 4, 1923, 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 and that delivery to and acceptance by the Institute for Mental Defectives, Letchworth Village, Thiells, N. Y., be deemed an execution of the writ of destruction.

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

11948. Adulteration of canned crab meat. U. S. v. 634 Cases of Crab Meat. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16920. I. S. No. 7749-v. S. No. W-1235.)

On November 13, 1922, the United States attorney for the Western 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 praying the seizure and condemnation of 634 cases of crab meat, at Seattle, Wash., alleging that the article had been shipped by the Oregon-Alaska Packing Co., Sifka, Alaska, in various consignments, namely, August 6, 13, and 22 and September 12, 1922, respectively, and transported from the Territory of Alaska into the