

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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

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

12234. Adulteration of shell eggs. U. S. v. 400 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17821. I. S. No. 17827-v. S. No. C-4102.)

On August 9, 1923, the United States attorney for the Northern District of Illinois, 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 400 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Union Produce Co., Lorimor, Iowa, July 30, 1923, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

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

On August 14, 1923, Swift & Co., Chicago, Ill., claimant, having admitted the material 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

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

12235. Adulteration of shell eggs. U. S. v. 397 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17756. I. S. No. 7027-v. S. No. C-4087.)

On August 3, 1923, the United States attorney for the Northern District of Illinois, 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 397 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Holstein Cooperative Creamery Co. from Holstein, Iowa, July 30, 1923, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

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

On August 14, 1923, the John L. Brink Co., Chicago, Ill., claimant, having admitted the material allegations of the libel and having 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

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

12236. Adulteration of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17627. I. S. No. 4240-v. S. No. C-4062.)

On July 6, 1923, the United States attorney for the Northern District of Illinois, 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 19 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Ewen Creamery Co. from Ewen, Mich., in part June 12 and in part June 19, 1923,

and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act.

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

On December 23, 1923, the Ewen Creamery Co., Ewen, Mich., claimant, having admitted the material 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so that it would contain not less than 80 per cent of butterfat and not more than 16 per cent of water.

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

12237. Adulteration and misbranding of saccharine meal. U. S. v. 400 Sacks of Saccharine Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16983. I. S. No. 3180-v. S. No. E-3247.)

On or about November 22, 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 400 sacks of saccharine meal consigned by the Milam-Morgan Co., New Orleans, La., alleging that the article had been shipped from New Orleans, La., on or about September 30, 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 article was labeled in part: (Tag) "100 Lbs. Net When Packed Steam Dried Saccharine Meal Manufactured by Milam-Morgan Co., Ltd. New Orleans, La. * * * Guaranteed Analysis Fat 1.00% Protein 7.00% Carbohydrates 50.00% Fiber 17.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in fat and protein had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements in the labeling, "Fat 1.00%" and "Protein 7.00%," were false and misleading and deceived and misled the purchaser, since the said article was deficient in fat and protein.

On December 12, 1922, the Milam-Morgan Co., New Orleans, La., claimant, having admitted the allegations of the libel as to the misbranding of the product, but claiming that such was unintentional, judgment of condemnation was entered, and it was ordered by the court that the product be released to the 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 article.

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

12238. Misbranding of flour. U. S. v. 48 Sacks of Flour. Decree ordering release of product under bond to be reconditioned or relabeled. (F. & D. No. 17684. I. S. No. 11818-v. S. No. W-1403.)

On August 16, 1923, the United States attorney for the district of Nevada, 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 48 sacks of flour at Reno, Nev., alleging that the article had been shipped by the Globe Grain & Milling Co. from Ogden, Utah, on or about July 2, 1923, and transported from the State of Utah into the State of Nevada, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Sack) "Globe Mills * * * Flour Fancy Patent Globe 'A 1' Quality First Ogden-Utah * * * Bleached * * * Net Weight 12 Lbs."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing in the labeling, "Net Weight 12 Lbs.," 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 package.