

reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labels, "24 Lbs. When Packed," "12 Lbs. Net When Packed," "6 Lbs. When Packed," and "12 Lbs. When Packed," as the case might be, were 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.

On May 12, 1924, the Empire Mills Co., Columbus, Ga., having appeared 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 the execution of a bond in the sum of \$1,189.30, in conformity with section 10 of the act, conditioned in part that the product be repacked in properly labeled containers.

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

12369. Adulteration of tomato catsup. U. S. v. 983 Cases and 150 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14131. I. S. No. 2321-t. S. No. C-2660.)

On January 5, 1921, the United States attorney for the Southern 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 983 cases, each containing 24 bottles, 10-ounce size, and 150 cases, each containing 6 gallon-size bottles of tomato catsup, at Decatur, Ill., alleging that the article had been shipped by the Paul De Laney Co., Brocton, N. Y., on or about September 22, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "American Maid Brand * * * Tomato * * * Catsup * * * Guaranteed by The Paul De Laney Co. Inc. Brocton, N. Y. U. S. A."

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

On June 16, 1924, 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.

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

12370. Misbranding of butter. U. S. v. Climax Dairy Co., a Corporation. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 17127. I. S. No. 7530-v.)

On April 6, 1923, the United States attorney for the District of Colorado, 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 Climax Dairy Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 1, 1922, from the State of Colorado into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "Elkhorn Fancy * * * Creamery Butter * * * The Casper Dairy Company Casper: Wyoming."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "The Casper Dairy Company Casper: Wyoming," borne on the labels affixed to the packages containing the article, regarding the said article, was false and misleading in that it represented that the said article was manufactured and produced by the Casper Dairy Co., Casper, Wyo., and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was manufactured and produced by the Casper Dairy Co., Casper, Wyo., whereas, in truth and in fact, it was not but was manufactured and produced by the Climax Dairy Co., Denver, Colo. 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 March 8, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

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