

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 June 27, 1924, a plea of not guilty having been entered on behalf of the defendant company, the case came on for trial before the court without a jury. After the submission of evidence judgment for the Government was entered by the court, and a fine of \$100 and costs was imposed on the defendant company.

HOWARD M. GORE, *Secretary of Agriculture.*

12405. Adulteration of canned blueberries. U. S. v. 9½ Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18634. I. S. No. 16778-v. S. No. E-4831.)

On May 3, 1924, the United States attorney for the District of Massachusetts, 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 9½ cases of canned blueberries remaining in the original unbroken packages at Springfield, Mass., alleging that the article had been shipped by the A. & R. Loggie Co. (Ltd.) from Columbia Falls, Me., on or about September 22, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand Blueberries * * * Packed—At Columbia Falls, Maine By A. & R. Loggie Co. Limited Of Loggieville, N. B. Canada."

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 June 10, 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, *Secretary of Agriculture.*

12406. Adulteration of canned blueberries. U. S. v. 5½ Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18539. I. S. No. 15389-v. S. No. E-4746.)

On April 8, 1924, the United States attorney for the District of Massachusetts, 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 5½ cases of canned blueberries remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by Jasper Wyman & Son, from Cherryfield, Me., on or about September 17, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wyman's Brand Blueberries Packed And Guaranteed By Jasper Wyman & Son Milbridge, Me."

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

On June 10, 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, *Secretary of Agriculture.*

12407. Misbranding of butter. U. S. v. Sugar Creek Creamery Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 17933. I. S. Nos. 6432-v, 6433-v.)

On January 17, 1924, 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 an information against the Sugar Creek Creamery Co., a corporation, trading at St. Louis, Mo., alleging shipment by said company in violation of the food and drugs act as amended, in two consignments, namely, on or about June 14 and June 19, 1923, respectively, from the State of Missouri into the State of Illinois, of a quantity of butter which was misbranded. The article was labeled in part: "Sugar Creek Butter * * * One Pound Net Weight * * * Sugar Creek Creamery Co. * * * Sugar Creek Butter General Office Danville, Ill."

Examination of a sample taken from each of the consignments by the Bureau of Chemistry of this department showed an average shortage in weight of 1.9 per cent and 1.87 per cent respectively.