

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

On June 30, 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*.

12596. Adulteration and misbranding of butter. U. S. v. Michael F. Donahue. Plea of guilty. Fine, \$1. (F. & D. Nos. 17426, 17694. I. S. Nos. 1833-v, 10851-v, 10853-v.)

On November 13, 1923, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a consolidated information against Michael F. Donahue, Essex, Vt., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about November 13, 1922, and March 5 and 22, 1923, respectively, from the State of Vermont into the State of New Hampshire, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Donahue's Creamery Butter * * * Manufactured By M. F. Donahue Essex, Vermont."

Analysis of a sample of the article from each shipment by the Bureau of Chemistry of this department showed that it was deficient in butterfat and that the shipments of November 13, 1922, and March 22, 1923, contained excessive moisture.

Adulteration of the product consigned November 13, 1922, was alleged in the information for the reason that a substance, to wit, excessive moisture, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, for the further reason that a substance, to wit, excessive water, had been substituted in part for creamery butter, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Adulteration was alleged with respect to the shipments of March 5 and 22, 1923, for the reason that a product deficient in butterfat and which contained excessive moisture, with respect to the product consigned March 22, 1923, and a product deficient in butterfat, with respect to the product consigned March 5, 1923, had been substituted for creamery butter, which the article purported to be.

Misbranding was alleged with respect to the product involved in all the consignments for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas it did not so consist, but a portion of the article consisted of a product deficient in butterfat and [which] contained excessive moisture, and the remainder thereof consisted of a product deficient in butterfat.

Misbranding was alleged with respect to the product consigned November 13, 1922, for the further reason that it was a product low in butterfat and which contained excessive moisture prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, creamery butter.

On March 17, 1924, the defendant entered a plea of guilty to the consolidated information, and the court imposed a fine of \$1.

HOWARD M. GORE, *Secretary of Agriculture*.

12597. Adulteration and misbranding of wafer meal and corn meal. U. S. v. J. Calvin Bogert (Grove Feed Products Co.). Plea of guilty. Fine, \$10. (F. & D. No. 18091. I. S. Nos. 21-v, 403-v.)

At the January, 1924, term of the United States District Court within and for the District of New Jersey the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against J. Calvin Bogert, trading as Grove Feed Products Co., Jersey City, N. J., alleging shipment by said defendant, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 24, 1923, and April 3, 1923, respectively, from the State of New Jersey into the State of New York, of quantities of corn meal and wafer meal, respectively, which were adulterated and mis-

branded. The wafer meal was labeled in part: "Grove Wafer Meal Analysis Protein 12.00% * * * Ingredients Wafer Dough." The other product was invoiced as corn meal.

Analysis of a sample of the wafer meal by the Bureau of Chemistry of this department showed that it contained 10.3 per cent of protein, linseed meal, and large quantities of ground pea seed coats and flax plant waste. Analysis of a sample of the corn meal by said bureau showed that it contained corn meal, a trace of pea starch, and a large quantity of ground pea seed coats.

Adulteration of the wafer meal was alleged in the information for the reason that substances, to wit, pea seed coats, flax plant waste, and linseed meal, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for wafer meal, which the article purported to be.

Misbranding of the wafer meal was alleged for the reason that the statements, to wit, "Analysis Protein 12.00%" and "Ingredients Wafer Dough," borne on the tags attached to the sacks containing the article, were false and misleading in that the said statements represented that the article contained not less than 12 per cent of protein and consisted wholly of wafer dough, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 12 per cent of protein and consisted wholly of wafer dough, whereas, in truth and in fact, it contained less than 12 per cent of protein and consisted in part of pea seed coats, flax plant waste, and linseed meal.

Adulteration of the corn meal was alleged for the reason that a substance, to wit, ground pea seed coats, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for corn meal, which the article purported to be.

Misbranding of the corn meal was alleged for the reason that it 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 2, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12598. Misbranding of butter. U. S. v. O. J. Kennedy and John Poole (Kennedy-Poole Co.). Plea of guilty. Fine, \$50. (F. & D. No. 17791. I. S. No. 11269-v.)

On November 14, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against O. J. Kennedy and John Poole, copartners, trading as Kennedy-Poole Co., San Francisco, Calif., alleging that the said company had sold under a guarantee that the article would meet the requirements of the Federal food and drugs act a quantity of butter which was misbranded and that on or about May 8, 1923, the said article, in the identical condition as when so sold, was delivered at San Francisco, Calif., for shipment from the State of California into the Territory of Hawaii, in further violation of said act. The article was labeled in part: "One Pound Net Weight."

Examination of a sample consisting of 280 packages of the article by the Bureau of Chemistry of this department showed that the said packages contained an average of 15.8 ounces net of butter.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the cartons containing the article, was false and misleading in that the said statement represented that the cartons contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cartons contained 1 pound net weight of butter, whereas, in truth and in fact, they did not but did contain 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 package.

On April 26, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*