

that each of the said packages contained 1 pound of the article and contained 16 ounces net weight of the article, whereas, in truth and in fact, each of said packages contained less than 1 pound of the article and contained less than 16 ounces thereof. 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 July 28, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12796. Misbranding and alleged adulteration of Star milk mash, Star-Chick-A chick feeds, and Star buttermilk growing mash. U. S. v. 10 Sacks of Milk Mash, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 17444. I. S. Nos. 1118-v, 1119-v, 1120-v, 1478-v, 1479-v. S. No. E-4350.)

On April 3, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying the seizure and condemnation of 10 sacks, each containing 100 pounds of Star milk mash for laying fowls, 4 sacks, each containing 100 pounds, and 45 sacks, each containing 25 pounds, of Star-Chic-A buttermilk food for baby chicks, 15 sacks, each containing 25 pounds, and 20 sacks, each containing 12½ pounds, of Star buttermilk growing mash, 114 packages, each containing 2½ pounds, and 65 packages, each containing 5 pounds, of Star-Chic-A food for baby chicks with buttermilk, at Washington, D. C., alleging that the articles were being offered for sale and sold in the District of Columbia, on March 30, 1923, by the Star Food & Remedy Co., and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled variously: "Star Milk Mash * * * Manufactured By Star Food & Remedy Co., Washington;" "Star Chic-A;" "Star Buttermilk Growing Mash."

Adulteration of the articles was alleged in the libel for the reason that a substance low in protein and fat and, in the case of the Star buttermilk growing mash, containing excessive crude fiber, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted wholly or in part for the said articles.

Misbranding was alleged in substance for the reason that the packages and labels bore statements regarding the articles and the ingredients and substances contained therein, to wit, (Star milk mash for laying fowls) "Guaranteed Analysis Crude Protein Not Less than 20% Crude Fat Not Less than 6%," (Star-Chic-A buttermilk food for baby chicks) "Analysis Crude Protein—17 Per ct. Crude Fat—5 Per ct.," (Star buttermilk growing mash) "Analysis Crude Protein—17 Per ct. Crude Fat—5 Per ct.—Crude Fiber 3 Per ct." (Star-Chic-A food for baby chicks with buttermilk) "Analysis * * * Crude Protein 17% Crude Fat 5%," which were false and misleading, in that the said statements represented that the articles contained the proportions of crude protein, crude fat, and crude fiber declared in the said labels, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained the proportions of crude protein, crude fat, and crude fiber declared in the labels, whereas, in truth and in fact, the articles contained less protein and fat than so declared and the Star buttermilk growing mash contained more than 3 per cent of crude fiber.

On April 27, 1924, the Star Food & Remedy Co., Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the products to be misbranded and ordering their condemnation and forfeiture, and it was further ordered by the court that the said products 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12797. Adulteration and misbranding of pineapple hearts and chocolate-covered cherries in sirup. U. S. v. 11 Boxes of Pineapple Hearts, and 28 Boxes of Chocolate-Covered Cherries in Sirup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17644, 17645. I. S. Nos. 635-v, 636-v. S. No. E-4433.)

On or about July 17, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure

and condemnation of 11 boxes of pineapple hearts and 28 boxes of chocolate-covered cherries in sirup, at Newark, N. J., alleging that the articles had been shipped by the Anitro Candy Co., (Inc.), Brooklyn, N. Y., on or about June 14, 1923, and transported from the State of New York into the State of New Jersey and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled respectively: "100 s Chocolate Coated Light Pineapple Hearts" and "Anitro Sweets Chocolate Covered Cherries In Syrup * * * Anitro Candy Co. Inc. Manufacturers Brooklyn, N. Y. * * * Light."

Adulteration of the articles was alleged in the libels for the reason that a substance, to wit, chocolate colored with coal-tar color, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted in whole or in part for the said articles. Adulteration was alleged for the further reason that the articles were colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the packages containing the articles bore the statement "Chocolate * * * Light," which was false and misleading and deceived and misled the purchaser.

On March 28, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12798. Misbranding of apples. U. S. v. Iron City Produce Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 16220, I. S. No. 5869-t.)

On May 12, 1922, the United States attorney for the Western District of Pennsylvania, 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 Iron City Produce Co., a corporation, trading at Pittsburgh, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 10, 1920, from the State of New York into the State of Pennsylvania, of a quantity of apples which were misbranded.

Misbranding of the article was alleged in the information 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 July 18, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12799. Adulteration and misbranding of butter. U. S. v. 265 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18829. I. S. No. 16146-v. S. No. E-4940.)

On June 25, 1924, the United States attorney for the Eastern District of Pennsylvania, 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 265 tubs of butter, remaining in the original, unbroken packages at Philadelphia, Pa., consigned by the Miami Valley Coop. Milk Products Assoc., Dayton, Ohio, alleging that the article had been shipped from Dayton, Ohio, on or about June 11, 1924, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From The Miami Valley Coop Milk Products Assn F. 36000."

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

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 1, 1924, Frank Hellerick & Co., Philadelphia, Pa., 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 payment of the costs of the proceedings and the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*