

13030. Misbranding of shelled pecans. U. S. v. 104 Pounds of Pecans. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18657. I. S. No. 20635-v. S. No. W-1508.)

On May 23, 1924, 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 a libel praying the seizure and condemnation of 104 pounds of pecans, remaining in the original unbroken packages at Denver, Colo., consigned by the Central Pecan & Mercantile Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about April 21, 1924, and transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Best-O-All Pecans Select Halves 4 Oz. When Packed. Central Pecan & Merc. Co., St. Louis."

Misbranding of the article was alleged in the libel for the reason that the statement "4 Oz. When Packed," appearing on the labels, was false and misleading and deceived and misled the purchaser, and 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 September 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the packages be correctly labeled as to the actual contents thereof, and sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13031. Adulteration and misbranding of flour. U. S. v. 250 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18127. I. S. No. 1400-v. S. No. E-4623.)

On December 3, 1923, the United States attorney for the District of Maryland, 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 250 sacks of flour, remaining in the original unbroken packages at Baltimore, Md., consigned about October 2, 1923, alleging that the article had been shipped by the Minneapolis Milling Co., from Minneapolis, Minn., and transported from the State of Minnesota into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Tops-All Patent Flour Minneapolis Milling Co. Minneapolis, Minn. Bleached 98 Lbs. Net Tops-All."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and in that water had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "98 Lbs. Net," borne on the sacks containing the article, was false and misleading and deceived and misled the purchaser, in that the said statement represented that each of said sacks contained 98 pounds of flour, whereas each of said sacks did not contain 98 pounds of flour but contained 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 4, 1924, Charles P. Dorney, Baltimore, Md., having appeared as claimant for the property, judgment of condemnation 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 \$1,500, in conformity with section 10 of the act, conditioned in part that it should not be sold or disposed of until properly relabeled.

W. M. JARDINE, *Secretary of Agriculture.*

13032. Adulteration of chestnuts. U. S. v. 8 Barrels of Chestnuts. Product ordered destroyed. (F. & D. No. 19096. I. S. No. 19801-v. S. No. C-4521.)

On October 29, 1924, the United States attorney for the Southern District of Ohio, 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 8 barrels of chestnuts, consigned by Cuneo Bros., New York, N. Y., October 16, 1924, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the

State of Ohio, and charging adulteration in violation of the food and drugs act.

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 November 10, 1924, no claimant having appeared for the property and the product having become so decomposed as to constitute a nuisance, judgment of the court was entered, ordering the product destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13033. Adulteration and misbranding of mixed feed. U. S. v. Mayo Milling Co., Inc. Plea of guilty. Fine, \$50. (F. & D. No. 18735. I. S. No. 961-v.)

On September 16, 1924, the United States attorney for the Eastern District of Virginia, 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 Mayo Milling Co., Inc., a corporation, Richmond, Va., alleging shipment by said company, in violation of the food and drugs act, on or about November 5, 1923, from the State of Virginia into the State of North Carolina, of a quantity of mixed feed which was adulterated and misbranded. The article was labeled in part: (Tag) "100 lbs. Mayo's Mixed Feed Protein 13.00 Fat 4.75 * * * Corn Feed Meal, Wheat Bran, Wheat Middlings, Mayo Milling Co., Inc., Distributors And Manufacturers Richmond, Va."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 12.65 per cent of protein and 3.29 per cent of fat. Examination by said bureau showed that in addition to the declared ingredients a very noticeable amount of rye bran, ground corn cob, and both whole and ground screenings were present.

Adulteration of the article was alleged in the information for the reason that a product composed in part of rye bran, ground corn cob, and screenings both whole and ground, and deficient in protein and fat had been substituted for mixed feed composed of corn feed meal, wheat bran, and wheat middlings, which the said article purported to be, and for the further reason that substances, to wit, rye bran, ground corn cob, and screenings both whole and ground, deficient in protein and fat, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, to wit, "Mixed Feed Protein 13.00 Fat 4.75 * * * Corn Feed Meal, Wheat Bran, Wheat Middlings," borne on the bags containing the article, were false and misleading, in that the said statements represented that the article was mixed feed consisting of and made wholly from corn feed meal, wheat bran, and wheat middlings and had a protein content of 13 per cent and a fat content of 4.75 per cent, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was mixed feed consisting of and made wholly from corn feed meal, wheat bran, and wheat middlings and had a protein content of 13 per cent and a fat content of 4.75 per cent, whereas it was an article consisting in part of and made from rye bran, ground corn cob, and screenings both whole and ground, and it did not have a protein content of 13 per cent and a fat content of 4.75 per cent but did contain less amounts.

On October 9, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

13034. Adulteration of shell eggs. U. S. v. 6 Cases and 16 Dozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19028. I. S. No. 18409-v. S. No. C-4466.)

On July 29, 1924, the United States attorney for the Southern District of Alabama, 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 6 cases and 16 dozen eggs, at Mobile, Ala., alleging that the article had been shipped by the Prentiss County Farm Bureau, from Rooneville, Miss., July 25, 1924, and transported from the State of Mississippi into the State of Alabama, and charging adulteration in violation of the food and drugs act.