

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.