

13, 1925, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Crate) "Wash Navels All Star Brand Grown and Packed By Glen Rosa Orchards, Inc. Riverside, Riverside Co., Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an inedible product, had been substituted in part for the said article.

On February 13, 1925, the Erie Railroad Co. having entered a claim for the property, based on its lien for freight and other charges, and having moved the sale of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be released to the claimant to be sorted under the supervision of this department, that the bad portion be destroyed or denatured, and the good portion sold, and that the costs of the proceedings be paid out of the proceeds of such sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13110. Adulteration and misbranding of butter. U. S. v. 49 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 19829. I. S. No. 14068-v. S. No. E-5140.)

On February 9, 1925, 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 49 boxes of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Minnesota Co-operative Creamery Co., Minneapolis, Minn., alleging that the article had been shipped from Minneapolis, Minn., on or about February 2, 1925, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

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, and injuriously affect its quality and strength.

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 February 17, 1925, C. G. Heyd & 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 \$2,000, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department to raise the butterfat content to 80 per cent or over.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13111. Adulteration and misbranding of butter. U. S. v. J. G. Turnbull Co. Plea of guilty. Fine, \$10. (F. & D. No. 19242. I. S. No. 15278-v.)

On December 30, 1924, the United States attorney for the District of Vermont, 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 J. G. Turnbull Co., a corporation, Orleans, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about November 19, 1923, from the State of Vermont into the State of Massachusetts, of a quantity of butter which was adulterated and misbranded.

Samples of the product analyzed by the Bureau of Chemistry of this department contained from 77.53 per cent to 77.89 per cent of butterfat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the words, to wit, "Creamery" and "Butter," and the design of a cow, borne on the cartons containing the article, were false and misleading, in that they represented the article to be butter, namely, an article containing not less than 80 per cent by weight of milk fat, as defined and prescribed by the act of March 4, 1923, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, whereas it was not butter but was a product containing less than 80 per cent by weight of milk fat. Mis-

branding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

On January 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13112. Adulteration and misbranding of wheat middlings. U. S. v. 98 Sacks of Wheat Middlings. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19389. I. S. No. 17201-v. S. No. E-5055.)

On or about January 8, 1925, 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 a libel praying the seizure and condemnation of 98 sacks of wheat middlings, remaining in the original packages at Alexandria, Va., alleging that the article had been shipped by the C. A. Gambrill Mfg. Co., from Ellicott City, Md., October 6, 1924, and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Pure Wheat White Middlings Guaranteed Analysis * * * Fibre 3.25% Manufactured By C. A. Gambrill Mfg. Co. Baltimore, Md."

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

Misbranding was alleged for the reason that the statements "Pure Wheat White Middlings Guaranteed Analysis Fibre 3.25%," appearing in the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 20, 1925, the C. A. Gambrill Mfg. Co., Ellicott City, Md., having appeared as claimant for the property and having consented to the entry of a decree, 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 \$1,000, in conformity with section 10 of the act, conditioned in part that the words "White Middlings" be obliterated from the label and the product be retagged as "Middlings, Bran and Screenings," together with a declaration of the net weight.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13113. Adulteration and misbranding of chestnuts. U. S. v. 10 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction or sale. (F. & D. No. 19124. I. S. No. 16937-v. S. No. E-5004.)

On November 5, 1924, the United States attorney for the District of Connecticut, 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 10 barrels of chestnuts, remaining in the original unbroken packages at New London, Conn., alleging that the article had been shipped by Garfunkel & Justman, New York, N. Y., on or about October 27, 1924, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act as amended.

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

Misbranding was alleged for the 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 December 19, 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 or sold by the United States marshal, provided sale could be speedily effected.

R. W. DUNLAP, *Acting Secretary of Agriculture.*