

amounts. Misbranding of the oysters was alleged for the further 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 packages.

On May 15, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

13523. Adulteration and misbranding of butter. U. S. v. 1,200 Pounds of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20162. I. S. No. 21561-v. S. No. C-4756.)

On June 19, 1925, the United States attorney for the Eastern District of Missouri, 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 1,200 pounds of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Altamont Creamery Co., Altamont, Ill., on or about June 17, 1925, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product containing less than 80 per cent by weight of 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.

It was further alleged in substance in the libel that the article was misbranded in violation of section 8 of said act for the reason that it was labeled "Butter" when it did not contain 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On June 23, 1925, Frank Shumaker and Nola Shumaker, trading as the Altamont Creamery Co., Altamont, Ill., having appeared as claimants 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 claimants to be reworked under the supervision of this department, upon the execution of a good and sufficient bond, in conformity with section 10 of the act, and it was further ordered that the claimants pay the costs of the proceedings.

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

13524. Adulteration of chestnuts. U. S. v. 12 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19188. I. S. No. 19706-v. S. No. C-4538.)

On November 20, 1924, the United States attorney for the Northern 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 12 barrels of chestnuts, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by the Zucca Co., in part on or about October 15, 1924, from New York, N. Y., and in part on or about October 17, 1924, from Jersey City, N. J., and transported from the States of New York and New Jersey, respectively, 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 April 21, 1925, 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.

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

13525. Misbranding of flour. U. S. v. 90 Sacks and 30 Sacks of Flour. Product ordered released under bond. (F. & D. Nos. 20156, 20157. I. S. Nos. 17464-v, 17465-v. S. Nos. E-5387, E-5388.)

On June 29, 1925, the United States attorney for the Eastern District of South Carolina, 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 120 sacks of flour, remaining in the original un-

broken packages at Camden, S. C., alleging that the article had been shipped by the Austin-Heaton Co., from Durham, N. C., in part June 2, 1925, and in part June 5, 1925, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Banner Self-Rising Flour 24 Lbs."

Misbranding of the article was alleged in the libels for the reason that the statement "Flour 24 Lbs," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further 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 2, 1925, the Austin-Heaton Co., Durham, N. C., having appeared as claimant for the property, orders of the court were entered, providing that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$200, conditioned in part that the sacks be filled to the declared weight.

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

13526. Adulteration and misbranding of blue cohosh. U. S. v. 51 Bags of Blue Cohosh. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16822. I. S. No. 131-v. S. No. E-4189.)

On September 27, 1922, 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 a libel praying the seizure and condemnation of 51 bags of blue cohosh, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by E. M. Sanborn & Sons, Russell, Pa., on or about August 16, 1922, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From E. Sanborn & Sons * * * Russell, Pa. Blue Cohosh."

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary, official at the time of investigation, in that it contained excessive ash, to wit, 13.15 per cent, whereas the said formulary provided that blue cohosh should yield not more than 6 per cent of ash.

Misbranding was alleged for the reason that the statement "Blue Cohosh," borne on the label, was false and misleading, in that the said statement represented that the article was blue cohosh of the standard set out in the National Formulary, whereas it did not comply with the requirements for blue cohosh set out in said formulary.

On June 22, 1925, 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.

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

13527. Adulteration and misbranding of caviar. U. S. v. 6 Cases and 2 Cases of Caviar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18839. I. S. Nos. 12964-v, 12965-v, S. No. E-4890.)

On or about July 25, 1924, 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 a libel praying the seizure and condemnation of 8 cases of caviar, at Newark, N. J., alleging that the article had been shipped by William Haaker Co., New York, N. Y., on or about April 29, 1924, 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. A portion of the article was labeled in part: "Haakers Genuine Imported Russian Caviar 1 Oz. Net Packed by Wm. Haaker Co. N. Y." The remainder of the said article was labeled in part: "Net Contents 1½ Ounces Prime Dittmann Caviar Packed At New York By Wm Haaker Co."

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

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, for the further reason that the