

14173. Misbranding of butter. U. S. v. 9 Cases, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20926, 20927. I. S. Nos. 10611-x, 10660-x, 10661-x. S. Nos. W-1908, W-1909.)

On February 23, 1926, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 119 cases of butter, and on March 4, 1926, an amended libel with respect to 99 cases of the product, alleging that the article had been shipped by Armour Creameries, from Pocatello, Idaho, February 13, 1926, and that it had been transported from the State of Idaho into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article consisted of 1-pound prints, 2-pound prints, and cartons containing 4 quarter-pound prints of butter, labeled variously: "Woodlawn Brand," "Cloverbloom Brand," and "Supreme Fancy Creamery Butter," and bearing statements as to net weight as hereinafter set forth.

Misbranding of the article was alleged in the libels for the reason that the statements, "Net Weight One Pound," "Net Weight 2 Pounds," "1 Lb. Net Weight," "Net Weight 4 Ounces," "One Pound Net Weight," "2 Pounds Net Weight," "Two Pounds Net Weight," and "Net Weight Four Ounces," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, since the packages contained lesser quantities than declared, 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 packages, since the quantities stated were incorrect.

On March 19, 1926, Armour & Co. having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$3,050, conditioned in part that it be made to conform with the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14174. Misbranding of cottonseed cake. U. S. v. 800 Sacks and 900 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20835. I. S. Nos. 3837-x, 3838-x. S. No. C-4947.)

On or about February 15, 1926, the United States attorney for the District of Nebraska, 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 1,700 sacks of cottonseed cake, at Scottsbluff, Nebr., alleging that the article had been shipped by the Dallas Oil & Refining Co., from Dallas, Tex., on or about January 26, 1926, and transported from the State of Texas into the State of Nebraska, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "100 Pounds Net Cotton Seed Cake Or Meal Manufactured by Dallas Oil & Refining Company, Dallas, Texas. Analysis: Protein 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Analysis: Protein 43 per cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On March 20, 1926, the Dallas Oil & Refining Co., Dallas, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered, finding the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$8,000, conditioned in part that it be relabeled under the surveillance of this department by obliterating the statement "43 per cent" from the label, and making the said label read "41 per cent."

C. F. MARVIN, *Acting Secretary of Agriculture.*

14175. Adulteration of shell eggs. U. S. v. Ronamie B. Brannan and Robert P. Reynolds (Brannan & Reynolds). Pleas of guilty. Fine, \$50. (F. & D. No. 19734. I. S. No. 4201-x.)

On January 16, 1926, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ronamie B. Brannan and Robert P. Reynolds, copartners, trading as Brannan & Reynolds, Blocker, Okla., alleging shipment by said defendants, in violation

of the food and drugs act, on or about June 29, 1925, from the State of Oklahoma into the State of Arkansas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Brannan & Reynolds, Blocker, Okla."

Examination by the Bureau of Chemistry of this department of 180 eggs from the one case comprising the shipment showed 128, or 71.1 per cent, inedible eggs, consisting of black rots, mixed rots, spot rots, blood rings, and moldy eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On March 27, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14176. Adulteration and misbranding of canned cherries. U. S. v. 13 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20783. I. S. No. 769-x. S. No. W-1849.)

On January 21, 1926, the United States attorney for the Northern District of California, 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 13 cases of canned cherries, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the Olympia Canning Co., from Olympia, Wash., August 27, 1925, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Ferndell Brand White Royal Anne Cherries Net Weight One Pound."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water or sirup, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "White Royal Anne Cherries Net Weight One Pound," borne on the label, were 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 March 26, 1926, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14177. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20905. I. S. No. 10490-x. S. No. W-1900.)

On February 13, 1926, the United States attorney for the Western District of Washington, 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 5 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Idaho Creamery Co., Burley, Idaho, February 11, 1926, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article violated section 7 of the said act, paragraph 2 under foods, in that it was deficient in milk fat content.

On March 3, 1926, the Idaho Creamery Co. and E. E. Snapp, Burley, Idaho, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered, finding the product adulterated, in that a valuable constituent, butterfat, had been abstracted therefrom, and it was ordered by the court that the product be condemned and forfeited. It was further ordered that the said product be released to the claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, the terms of said bond requiring that it be reconditioned under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*