

14260. Adulteration of butter. U. S. v. 82 Tubs and 80 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20933, 20934. I. S. Nos. 7937-x, 7945-x. S. Nos. E-5662, E-5668.)

On March 15, 1926, 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 libels praying seizure and condemnation of 162 tubs of butter, remaining unsold at Hoboken, N. J., alleging that the article had been shipped by the Harrow-Taylor Butter Co., Kansas City, Mo., a portion having been shipped on or about February 25, 1926, and the remainder having arrived at Hoboken March 6, 1926, and that the article had been shipped in interstate commerce, and charging adulteration in violation of the food and drugs act.

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

On May 5, 1926, the Harrow-Taylor Butter Co., Kansas City, Mo., 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 \$4,000, in conformity with section 10 of the act, and it was further ordered by the court that it be reconditioned under the supervision of this department.

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

14261. Misbranding of oysters. U. S. v. Ralph Riggin, Lloyd Riggin, and Rex Riggin (Ralph Riggin & Bros.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19756. I. S. Nos. 4475-x, 7218-x.)

On April 22, 1926, 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 an information against Ralph Riggin, Lloyd Riggin, and Rex Riggin, copartners, trading as Ralph Riggin & Bros., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about December 11, 1925, from the State of Maryland in part into the District of Columbia and in part into the State of Missouri, of quantities of oysters which were misbranded. The article was labeled in part: "Selects Minimum 1 Gallon Volume."

Examination by the Bureau of Chemistry of this department of 10 cans of the article from the shipment showed an average volume of 0.97 gallon.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Minimum 1 Gallon Volume," borne on the cans containing the said article, was false and misleading, in that the said statement represented that the said cans each contained 1 gallon of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans each contained 1 gallon of oysters, whereas they did not each contain 1 gallon of oysters but did contain 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 May 3, 1926, the defendant, Lloyd Riggin, appeared as representing the partnership, and entered a plea of guilty, and the court imposed a fine of \$25 and costs.

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

14262. Misbranding and alleged adulteration of vinegar. U. S. v. 10 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15423. I. S. No. 4889-t. S. No. C-3249).

On October 11, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 barrels of vinegar, remaining in the original unbroken packages at Kalamazoo, Mich., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., on or about August 18, 1921, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples Reduced to 4 Per Centum Rochester, N. Y."