

15355. Adulteration of shell eggs. U. S. v. Samuel Fletcher Barnes (S. I Barnes). Plea of guilty. Fine, \$10. (F. & D. No. 21557. I. S. N 7891-x.)

On March 18, 1927, 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 Samuel Fletcher Barnes, trading as S. F. Barnes, Nokomis, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 14, 1926, from the State of Virginia into the State of Maryland, of a quantity of eggs, which were adulterated. The article was labeled in part (Case) "From S. F. Barnes, Nokomis, Va."

Examination by this department of one case containing 360 eggs from the shipment showed 57, or 14.1 per cent, inedible eggs.

It was alleged in the information that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 4, 1927, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

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

15356. Adulteration and misbranding of black pepper. U. S. v. 10 Cartons of Black Pepper. Default order of destruction entered. (F. & D. No. 21257. I. S. No. 3313-x. S. No. C-5222.)

On August 23, 1926, the United States attorney for the District of Minnesota, 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 cartons of black pepper, remaining in the original unbroken packages at Minnesota Transfer, Minn., alleging that the article had been shipped by Biston Coffee Co., from St. Louis, Mo., July 16, 1926, and transported from the State of Missouri into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Six Lbs. Net Black Pepper From Biston Coffee Co., St. Louis, U. S. A."

It was alleged in the libel that the article was adulterated, in that substance of ground rice and cayenne pepper, had been mixed and packed therewith so as to reduce, lower, or 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 statement "Black Pepper" borne on the label, was false and misleading and deceived and misled the purchaser, and in that it was offered for sale under the distinctive name of another article.

On July 8, 1927, upon the filing of an affidavit by the United States attorney to the effect that the product was unfit for consumption as food, a decree was entered by the court ordering that the said product be destroyed by the United States marshal.

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

15357. Misbranding of dates. U. S. v. 9 Crates of Dates. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 21189. I. S. No. 17239-x. S. No. 18.)

On July 18, 1927, the United States attorney for the District of Oregon, 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 9 crates of dates, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by S. B. McMillan, from Wilmin, Calif., on or about July 7, 1927, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Coachella Valley Fancy California Dates Grown and Packed by The I Ranch Net Weight 8 Ozs. * * * Indio, Calif."

It was alleged in the libel that the article was misbranded, in that the statement "Net Weight 8 Ozs." borne on the label, was 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 August 24, 1927, the Pacific Fruit & Produce Co., Portland, Ore., having appeared and 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 destroyed by the United States marshal.

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