

and condemnation of 124 boxes of butter, remaining in the original unbroken packages at Louisville, Ky., alleging that the article had been shipped from the Lanesville Creamery Co., Lanesville, Ind., on or about June 25, 1927, and transported from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a product which contained 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, which the said article purported to be.

On or about October 22, 1927, the Lanesville Creamery Co., Lanesville, Ind., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$3,000, conditioned in part that it be brought into compliance with the law under the supervision of this department.

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

15537. Adulteration of frozen mixed eggs. U. S. v. 79 Cases of Frozen Mixed Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21978. I. S. No. 19360-x. S. No. 21.)

On July 16, 1927, the United States attorney for the Northern District of Illinois, 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 79 cases of frozen mixed eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Dickerson Produce Co., from Knoxville, Iowa, between the dates of March 29, 1927, and June 27, 1927, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

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

On October 21, 1927, 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.

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

15538. Alleged adulteration of aletris root. U. S. v. 1 Bale of Aletris Root. Tried to the court and a jury. Verdict for claimant. Product ordered released. (F. & D. No. 20039. I. S. No. 14141-v. S. No. E-5299.)

On April 24, 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, and subsequently an amendment to the said libel, praying seizure and condemnation of 1 bale of aletris root, remaining unsold in the custody of H. K. Mulford, Philadelphia, Pa. It was alleged in the libel as amended that the article had been shipped from Asheville, N. C., on or about December 6, 1924, and transported from the State of North Carolina into the State of Pennsylvania, and that it was adulterated in violation of the food and drugs act.

Analysis of a sample of the product by this department showed that it yielded 21.5 per cent of ash, indicating excessive contamination with soil.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the National Formulary, but differed from the official standard of strength, quality, and purity, as determined by the test laid down in said formulary at the time of investigation.

On November 28, 1927, the H. K. Mulford Co., Philadelphia, Pa., having appeared as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following instructions to the jury (Thompson, J.):

"Ladies and Gentlemen of the Jury: This is a case in which the United States, under the provisions of the Pure Food and Drug Act, seized a quantity of aletris root, which was in the possession of H. K. Mulford Company.

"The Pure Food and Drug Act is intended to protect the public against having adulterated drugs transported from one state to another, and it provides standards by a formulary, in accordance with which it may be determined whether or not such drugs are adulterated.