

Examination by the Bureau of Chemistry of this department of 60 sacks from the consignment showed an average gross weight of 97.32 pounds and an average net weight of 96.70 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 lbs.—Gross 99 lbs. Net," borne on the tags attached to the sacks containing the said article, regarding the article, was false and misleading in that it represented that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the article, whereas, in truth and in fact, each of the said sacks did not weigh 100 pounds gross but did weigh a less amount, and each of the said sacks did not contain 99 pounds net of the article but did contain a less amount. Misbranding was alleged for the further reason that the said article 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 9, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9845. Adulteration of shell eggs. U. S. * * * v. Myrtle May Smith (Farmers Produce Co.). Plea of guilty. Fine, \$50. (F. & D. No. 14341. I. S. Nos. 343-t, 345-t.)

On April 19, 1921, the United States attorney for the Western 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 Myrtle May Smith, trading as the Farmers Produce Co., Anadarko, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 14, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 276 and 180 eggs, respectively, from two cases of the consignment showed that 158, or 57.2 per cent, and 109, or 60 per cent, respectively, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, blood rings, and blood rots.

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

On May 9, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9846. Adulteration of shell eggs. U. S. * * * v. Thomas E. Ellis. Plea of guilty. Fine, \$40. (F. & D. No. 14346. I. S. No. 4229-t.)

On May 2, 1921, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas E. Ellis, Rumsey, Ky., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 22, 1920, from the State of Kentucky into the State of Indiana, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 180 eggs from each of the 7 cases involved in the consignment showed that 156, or 12.38 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.