

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butter fat, had been in part abstracted.

Misbranding was alleged in substance for the reason that the statement appearing in the labeling, to wit, "Butter," was false and misleading and deceived and misled the purchaser.

On April 13, 1922, James W. Crook, Baltimore, Md., claimant, having admitted the allegation of the libel with respect to the charge of adulteration, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

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

**10379. Adulteration of oranges. U. S. \* \* \* v. 431 Boxes \* \* \* of Oranges. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16123. I. S. No. 18661-t. S. No. C-3511.)

On or about April 7, 1922, 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 for the seizure and condemnation of 431 boxes of oranges, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Riverside Heights Orange Growers Assoc., Riverside, Calif., March 28, 1922, and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "Pepper Leaf Navels Riverside Heights Orange Growers Association, Riverside, California" and "Cal'flora Brand \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On April 14, 1922, the California Fruit Growers Exchange, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, said bond to be conditioned in part that the product be sorted under the supervision of this department, the portion unfit for human food to be destroyed by the United States marshal and the portion fit for human food to be delivered to the said claimant.

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

**10380. Adulteration of shell eggs. U. S. \* \* \* v. John Schenkenberger. Plea of guilty. Fine, \$25.** (F. & D. No. 11960. I. S. No. 6949-r.)

On May 24, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Schenkenberger, Linton, N. D., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 11, 1919, from the State of North Dakota into the State of Minnesota, of a quantity of shell eggs which were adulterated.

Examination of the 1,080 eggs in the consignment, by the Bureau of Chemistry of this department, showed the presence of 315, or 29.16 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and heavy blood rings.

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

On April 11, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

**10381. Adulteration and misbranding of gray shorts. U. S. \* \* \* v. 600 Sacks and 80 Sacks of Alleged Gray Shorts. Default decrees declaring product adulterated and a portion thereof misbranded and ordering its destruction.** (F. & D. Nos. 12679, 12928. I. S. Nos. 174-r, 115-r. S. Nos. E-2185, E-2360)

On May 27, 1920, the United States attorney for the Western District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in

the District Court of the United States for said district libels for the seizure and condemnation of 680 sacks of alleged gray shorts, at Hendersonville, N. C., alleging that the article had been shipped by the Gateway Milling Co., Kansas City, Mo., March 15 and May 12, 1920, respectively, and transported from the State of Missouri into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Mfg. By Gateway Milling Co. \* \* \* Gray Shorts And Screenings. Made From Wheat Shorts, Red Dog Flour and Wheat Bran \* \* \*." The remainder of the article was invoiced as "Gray Shorts."

Adulteration of the article was alleged in the libels for the reason that reground bran and rice hulls, or ground bran, screenings, and rice hulls, as the case might be, had been mixed and packed with, and substituted wholly or in part for, the said article and for the further reason that the said article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged with respect to a portion of the said article for the reason that the statements appearing in the labeling thereof, "\* \* \* Gray Shorts And Screenings. Made From Wheat Shorts, Red Dog Flour and Wheat Bran \* \* \* Fat, not less than 3.50% Crude Fibre, not more than 10.00% \* \* \*," were false and misleading.

On August 22, 1921, no claimant having appeared for the property, judgments of the court were entered declaring both consignments of the product to be adulterated and the consignment of May 12, 1920, to be misbranded and ordering the destruction of the product by the United States marshal.

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

**10382. Adulteration and misbranding of Anti-ferment. U. S. \* \* \* v. W. B. Wood Mfg. Co., a Corporation. Plea of guilty. Fine, \$300. (F. & D. No. 14736. I. S. No. 5543-r.)**

On September 24, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. B. Wood Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 12, 1919, from the State of Missouri into the State of Iowa, of a quantity of Anti-ferment which was adulterated and misbranded. The article was labeled in part: "Anti-ferment \* \* \* harmless. W. B. Wood Mfg. Co., Manufacturing Chemists, St. Louis, Mo. \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 3.4 per cent of ammonium fluorid.

Adulteration of the article was alleged in the information for the reason that it contained an added poisonous and deleterious ingredient, to wit, ammonium fluorid, which might render the said article injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "harmless," borne on the label attached to the carboy containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was harmless, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was harmless, whereas, in truth and in fact, it was not harmless.

On April 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

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

**10383. Misbranding of cottonseed meal. U. S. \* \* \* v. McCall Cotton & Oil Co., a Corporation. Plea of guilty. Fine, \$300. (F. & D. No. 15428. I. S. Nos. 10283-t, 10736-t, 10791-t.)**

On December 17, 1921, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the McCall Cotton & Oil Co., a corporation, Phoenix, Ariz., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 12, March 10, and April 5, 1921, respectively, from the State of Arizona into the States of Colorado, New Mexico, and California, respectively, of quantities of cottonseed meal which was misbranded. The article was labeled in part: "\* \* \* Brand—McCall Co. McCall Cotton & Oil Co., Phoenix, Arizona \* \* \*."