

tion was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On September 25, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11076. Adulteration of raspberries. U. S. v. 1,725 Crates of Raspberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16658. I. S. No. 2026-v. S. No. E-4075.)**

On July 24, 1922, the United States attorney for the Western District of New York, 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 1,725 crates of raspberries, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by Harvey Stewart, on or about July 1, 1922, in part from Philadelphia, Pa., and in part from Hammonton, N. J., and transported from the States of Pennsylvania and New Jersey, respectively, into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

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

On September 8, 1922, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11077. Misbranding of flour. U. S. v. 400 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16755. I. S. No. 7826-v. S. No. W-1199.)**

On August 28, 1922, the United States attorney for the Eastern District of Washington, 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 400 sacks of flour, remaining in the original unbroken packages at Spokane, Wash., consigned by the Royal Milling Co., Great Falls, Mont., alleging that the article had been shipped from Great Falls, Mont., on or about June 29, 1922, and transported from the State of Montana into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sacks) "Rex Flour \* \* \* Bleached \* \* \* Royal Milling Company Great Falls, Montana 98 Lbs."

Misbranding of the article was alleged in substance in the libel for the reason that the sacks containing the said article bore labels indicating that they contained 98 pounds of flour, net weight, and for the further reason that the sacks were labeled so as to deceive and mislead the purchaser into the belief that they contained the full number of pounds set forth on the said labels, whereas, in truth and in fact, each of said sacks contained 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 packages, since the weight declared on the label was not correct.

On August 29, 1922, the Kalispell Flour Mill Co., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was 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 a bond in the sum of \$200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11078. Adulteration and misbranding of butter. U. S. v. 18 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16769. I. S. No. 1216-v. S. No. E-4140.)**

On August 25, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 18 cases of butter, remaining unsold at Washington, D. C., alleging that the article had been shipped by the Cudahy Packing Co., from Kansas City, Mo., on or about July 7, 1922, and transported from the State of Missouri into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sun-