

Misbranding was alleged for the reason that the statement, "Net Weight 98 Pounds," 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 October 23, 1922, the C. A. Hutton Flour Co., Los Angeles, Calif., 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 might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

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

**11159. Adulteration of shell eggs. U. S. v. 400 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16871. I. S. No. 3801-v. S. No. C-3808.)

On September 21, 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 400 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Producers Cold Storage Co., St. Joseph, Mo., August 31, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On September 29, 1922, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel 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 released to the 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, conditioned in part that the eggs be candled under the supervision of this department, the bad portion destroyed and the good portion delivered to the claimant.

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

**11160. Adulteration of shell eggs. U. S. v. Theodore B. Wood (Chickasha Hide & Produce Co.). Tried to the court and a jury. Verdict of guilty. Fine, \$100.** (F. & D. No. 14510. I. S. No. 350-t.)

On August 3, 1921, the United States attorney for the Eastern 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 Theodore B. Wood, trading as Chickasha Hide & Produce Co., Chickasha, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 15, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Chickasha Hide & Produce Co. Poultry, Butter, Eggs and Hides Chickasha, Okla."

Examination, by the Bureau of Chemistry of this department, of 720 eggs from the consignment showed that 181, or 25.1 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, large 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 and decomposed and putrid animal substance.

On November 16, 1922, the case having come on for final disposition before the court and a jury, after the submission of evidence and argument by counsel, the court delivered its charge to the jury which then retired and, after due deliberation, returned a verdict of guilty. The court thereupon assessed a fine of \$100.

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