

On November 27, 1923, 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 sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12293. Adulteration and misbranding of cheese. U. S. v. 161 Pounds, et al., of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 18602, 18603, 18604. I. S. Nos. 6792-v, 6793-v, 6794-v. S. Nos. C-4331, C-4336, C-4337.)

On April 19, 1924, the United States attorney for the eastern district of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 318 pounds of cheese remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., from Chicago, Ill., in various consignments, namely, on or about April 4, 7, and 9, 1924, respectively, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Daisy Brand Farmer Cheese Chicago Cheese and Farm Products Co." The remainder of the article was labeled in part: "Chicago Cheese and Farm Products Co. * * * 644 W. Randolph St., Chicago, Illinois."

Adulteration of the article was alleged in the libel for the reason that a substance, foreign fat, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing in the labeling, namely, "Cheese," was false and misleading and deceived and misled the purchaser in that the product contained foreign fat, and for the further reason that it was food in package form and the quality of the contents was not plainly and conspicuously marked on the outside of the package.

On June 5, 1924, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12294. Adulteration and misbranding of oats. U. S. v. 107 Sacks and 100 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18648. I. S. Nos. 18065-v, 18068-v. S. No. E-3922.)

On May 7, 1924, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 207 sacks of oats, remaining in the original unbroken packages at Gainesville, Ga., alleging that the article had been shipped by Embrey E. Anderson, from Memphis, Tenn., in two consignments, namely, on or about April 23, and April 24, 1924, respectively, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Andersons Fancy Recleaned White Oats Bleached Memphis Tenn." The remainder of the said article was labeled in part: "Daisy Mixed Oats. Other grains recleaned and bleached. Embrey E. Anderson, Memphis, Tenn.," the words "Daisy Mixed Oats" appearing in very large letters and the words "Other Grains," appearing in comparatively small inconspicuous type.

Adulteration of the "Andersons Fancy" oats was alleged in the libel for the reason that substances, added moisture and salt, had been mixed and packed therewith so to reduce, lower, and injuriously affect its quality or strength, and had been substituted wholly or in part for the said article. Adulteration of the "Daisy Mixed" oats was alleged for the reason that excessive water had been mixed and packed with the said article in connection with oat screenings and salt, so as to reduce, lower, and injuriously affect its quality.

Misbranding of the "Daisy Mixed" oats was alleged in substance for the reason that the designation "Daisy Mixed Oats Recleaned" was false and misleading and deceived and misled the purchaser, the statement "other grains" in inconspicuous type not correcting the misleading impression. Misbranding was alleged for the further reason that it was offered for sale under the distinctive name of another article.