

misbranded. The article was labeled in part: (Bottle) "Leech's * * * Golden Glow Flavoring * * * Manufactured and Guaranteed by The Arthur L. Leech Co. * * * Kennebunk, Maine," (placard) "Leech's "Golden Glow" Vanilla Flavoring."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an artificially colored mixture composed in part of vanillin and coumarin and containing no vanilla flavor.

Adulteration of the article was alleged in the information for the reason that a mixture composed in part of vanillin and coumarin, artificially colored, and containing no flavor of vanilla had been substituted for vanilla flavoring, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Vanilla Flavoring," borne on the said placard, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of vanilla flavoring, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of vanilla flavoring, whereas, in truth and in fact, it did not so consist but did consist in part of a mixture artificially colored, composed in part of vanillin and coumarin and containing no vanilla flavoring.

On April 8, 1924, the defendants entered pleas of nolo contendere to the information, and the court imposed fines in the aggregate sum of \$10.

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

12310. Adulteration of canned blueberries. U. S. v. 20 Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18540. I. S. No. 15387-v. S. No. E-4743.)

On April 8, 1924, the United States attorney for the District of Massachusetts, acting upon a report 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 20 cases of blueberries remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by the A. & R. Loggie Co., Ltd., from Columbia Falls, Me., on or about September 15, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand * * * Blueberries * * * Packed—At Columbia Falls, Maine. By A. & R. Loggie Co. Limited Of Loggieville, N. B. Canada."

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

On May 22, 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.*

12311. Adulteration and misbranding of spaghetti and macaroni. U. S. v. 10 Boxes of Spaghetti and 10 Boxes of Macaroni. Default decree of condemnation, forfeiture, and sale. (F. & D. Nos. 18281, 18283. I. S. Nos. 12104-v, 12106-v. S. No. W-1470.)

On February 2, 1924, the United States attorney for the District of New Mexico, acting upon a report 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 10 boxes of spaghetti and 10 boxes of macaroni remaining in the original unbroken packages at Raton, N. M., alleging that the articles had been shipped by the Queen City Macaroni Mfg. Co. from Denver, Colo., on or about January 5, 1924, and transported from the State of Colorado into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act as amended. The spaghetti was labeled in part: "Golden West Brand Spaghetti Manufactured And Guaranteed By Queen City Macaroni Manufacturing Co. * * *" (Rubber Stamp) "5 Lbs Net." The macaroni was labeled in part: "Golden West Brand Macaroni * * * Queen City Macaroni Manufacturing Co."

Adulteration of the articles was alleged in substance in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements, "Spaghetti" and "Macaroni," appearing in the labelings of the respective products, were

false and misleading and were intended to deceive and mislead the purchaser. Misbranding was alleged with respect to the said spaghetti for the further reason that the quantity of the contents was not plainly and specifically marked on the outside of the package.

On April 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be sold by the United States marshal.

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

12312. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product reprocessed and released upon payment of costs. (F. & D. No. 18509. I. S. No. 17697-v. S. No. C-4318.)

On or about March 24, 1924, 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 praying the seizure and condemnation of 25 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Heron Lake Creamery Co. from Heron Lake, Minn., March 12, 1924, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat and high in moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom.

On May 7, 1924, J. H. Hoar and Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and the product having been theretofore reprocessed, so as to remove the excess water and to raise the percentage of butterfat so that it was not in violation of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings.

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

12313. Misbranding of butter. U. S. v. 14 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18380. I. S. No. 7292-v. S. No. C-4284.)

On or about February 12, 1924, the United States attorney for the Northern District of Alabama, acting upon a report 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 14 cases of butter at Birmingham, Ala., alleging that the article had been shipped by the Macon Creamery Co., from Macon, Miss., on or about February 7, 1924, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "White Pearl Brand Creamery * * * Butter Made In Noxubee Co. By Macon Creamery Co. Macon, Miss. * * * One Pound Net Weight When Packed."

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the cartons containing the said article, "One Pound Net Weight," was false and misleading and deceived and misled the purchaser. 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 package.

On March 21, 1924, the Macon Creamery Co., Macon, Miss., 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 cost of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that the article be not resold until it had been passed upon by a representative of this department.

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