

12314. Adulteration and misbranding of tankage. U. S. v. 300 Sacks of Hyklass Digester Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18447. I. S. No. 17710-v. S. No. C-4308.)

On or about March 14, 1924, the United States attorney for the Southern District of Iowa, 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 300 sacks of Hyklass Digester tankage remaining in the original unbroken packages at Muscatine, Iowa, alleging that the article had been shipped by the Rogers By-Products Co., Aurora, Ill., on or about January 25, 1924, and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Hyklass * * * Digester Tankage Guaranteed Analysis Protein 60% Fat 7% Crude Fibre 8% Made By Rogers By-Products Co. Aurora, Ills."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, hoof meal, had been mixed and packed with and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a poisonous or deleterious ingredient, to wit, broken glass, which might have rendered it harmful to health, had been added to the article.

Misbranding was alleged for the reason that the designation "Digester Tankage," and the statements, "Guaranteed Analysis Protein 60%," "Fat 7%," appearing in the labeling, were false and misleading and deceived and misled the purchaser, since the said product was a mixture of tankage and hoof meal and broken glass and contained less than 60 per cent of protein and less than 7 per cent of fat. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 23, 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.*

12315. Misbranding of strawberries. U. S. v. Fain Rogers Patterson. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 15985. I. S. No. 13377-t.)

On March 2, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fain Rogers Patterson, Sharon, Tenn., alleging shipment by said defendant in violation of the food and drugs act as amended, on or about May 7, 1921, from the State of Tennessee into the State of New Hampshire, of a quantity of strawberries which were misbranded.

Misbranding of the article was alleged in the information for the reason that it 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 defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

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

12316. Adulteration and misbranding of chocolate confectionery. U. S. v. 21 Boxes and 20 Boxes of Chocolate Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18506. I. S. Nos. 15424-v, 15425-v. S. No. E-4785.)

On March 22, 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 41 boxes of chocolate confectionery remaining in the original unbroken packages at Roslindale, Mass., alleging that the article had been shipped by the Lauer & Suter Co. from Baltimore, Md., on or about February 12, 1924, and transported from the State of Maryland into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Lasco Sweets Pure Candies * * * Choc. Cream * * * The Lauer & Suter Co. Baltimore, Md."

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