

On June 3, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

12374. Adulteration and misbranding of shell eggs. U. S. v. Frederick L. Gile, jr. (Maple Glen Farm). Plea of guilty. Fine, \$10. (F. & D. No. 18462. I. S. No. 1955-v.)

On May 17, 1924, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frederick L. Gile, jr., trading as Maple Glen Farm, Saco, Me., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 1, 1923, from the State of Maine into the State of Massachusetts, of a quantity of shell eggs which were adulterated and misbranded. The article was labeled in part: "From Maple Glen Farm * * * Saco, Maine."

Examination of the article by the Bureau of Chemistry of this department showed that the product consisted of stale eggs.

Adulteration of the article was alleged in the information for the reason that stale eggs had been substituted in whole or in part for fresh eggs, which the said article purported to be.

Misbranding was alleged for the reason that the article was sold under the distinctive name of another article, to wit, fresh eggs.

On May 28, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

HOWARD M. GORE, *Acting Secretary of Agriculture*

12375. Misbranding of olive oil. U. S. v. 16 Cases of Olive Oil. Decree entered, adjudging product to be misbranded and ordering its release under bond to be relabeled. (F. & D. No. 16582. I. S. No. 14327-t. S. No. W-1126.)

On July 29, 1922, the United States attorney for the District of Utah, 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 16 cases of one-half gallon cans of olive oil remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by John D. Papadeas from New York, N. Y., in various consignments, on or about July 22, 1921, and January 19, April 13, and May 9, 1922, respectively, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Imported Olive Oil Finest * * * Quality JP Brand ½ Gal. Net Contents * * * John Papadeas Importer and Packer Calamata—New York."

Misbranding of the article was alleged in the libel for the reason that the statement on the label, "½ Gal. Net Contents," was false and misleading in that the net contents of the said cans was not one-half gallon. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 3, 1924, John Papadeas, Calamata and New York, having appeared as claimant for the property, judgment of the court was entered, finding the product to be misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, and that it be relabeled so as to indicate the exact net contents.

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

12376. Adulteration and misbranding of mixed oats. U. S. v. 200 Sacks of Mixed Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18687. I. S. No. 18307-v. S. No. E-3929.)

On May 16, 1924, the United States attorney for the Eastern District of South Carolina, 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 200 sacks of mixed oats remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by S. Zorn & Co., from Louisville, Ky., May 8, 1924, and transported

from the State of Kentucky into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mixed Oats Other Grains Crescent Zorn Bleached Grain," the words "Other Grains" being inconspicuously placed on the sacks.

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

Misbranding was alleged for the reason that the statement, "Mixed Oats," was false and misleading and deceived and misled the purchaser and that the statement "Other Grains," did not correct the misleading impression conveyed. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 25, 1924, S. Zorn & Co., Louisville, Ky., having appeared 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 \$1,000, in conformity with section 10 of the act, conditioned in part that the product be relabeled "Bleached Crescent Grain Screenings."

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

12377. Adulteration and misbranding of mixed oats. U. S. v. 75 Sacks of Mixed Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18656. I. S. No. 18088-v. S. No. C-4375.)

On or about May 9, 1924, the United States attorney for the Eastern District of Arkansas, 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 75 sacks of mixed oats at Malvern, Ark., alleging that the article had been shipped by John Wade & Sons from Memphis, Tenn., on or about April 30, 1924, and transported from the State of Tennessee into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wade's Star Mixed Oats Other * * * Grains * * * John Wade & Sons Inc. Memphis, Tenn." The words "Star Mixed Oats" were in heavy, large, black type, and the words "Other Grains" were in smaller light type placed inconspicuously.

Adulteration of the article was alleged in the libel for the reason that a substance, screenings, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement in the label "Mixed Oats" was false and misleading and deceived and misled the purchaser, in that the statement "Other Grains" did not correct the misleading impression conveyed. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 22, 1924, the Eli Clevenger Co., Malvern, Ark., having appeared as claimant for the property, judgment of condemnation 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 \$100, in conformity with section 10 of the act, conditioned that the product be relabeled, "Wade's Star Screenings."

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

12378. Adulteration and misbranding of bleached grain. U. S. v. 160 Sacks of Bleached Grain. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18693. I. S. No. 18306-v. S. No. E-3933.)

On May 17, 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 a libel praying the seizure and condemnation of 160 sacks of bleached grain remaining in the original unbroken packages at Carrollton, Ga., alleging that the article had been shipped by S. Zorn & Co. from Louisville, Ky., on or about May 7, 1924, and transported from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "150 Pounds Bleached Crescent Grain Made By S. Zorn & Co Louisville, Ky. * * * Ingredients: Oats, Barley and Other Grains."