

and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 10 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of protein, whereas, in truth and in fact, it did contain less than 10 per cent of protein, to wit, 8.6 per cent of protein.

On November 26, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12469. Adulteration of shell eggs. U. S. v. Wyatt Ervin Akers and Cary P. Painter (W. E. Akers & Co.). Plea of guilty. Fine, \$25. (F. & D. No. 17075. I. S. No. 1108-v.)

On February 23, 1923, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wyatt Ervin Akers and Cary P. Painter, copartners, trading as W. E. Akers & Co., Honaker, Va., alleging shipment by said defendants, in violation of the food and drugs act, on or about July 27, 1922, from the State of Virginia into the District of Columbia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 900 eggs from the consignment showed that 101 eggs, or 11.2 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, and spot rots.

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

On October 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12470. Adulteration of shell eggs. U. S. v. John D. Borden. Plea of guilty. Fine, \$25. (F. & D. No. 17807. I. S. No. 698-v.)

On January 16, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John D. Borden, Toms Brook, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 23, 1923, from the State of Virginia into the District of Columbia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of the 360 eggs in the consignment showed that 23 eggs, or 6.3 per cent of the total, were inedible, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

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 April 29, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12471. Misbranding of butter. U. S. v. Waynesboro Co-Operative Creamery (Inc.), a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 17818. I. S. Nos. 361-v, 536-v.)

On January 16, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Waynesboro Co-Operative Creamery (Inc.), a corporation, Waynesboro, Va., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about May 9 and July 23, 1923, respectively, from the State of Virginia into the State of New Jersey, of quantities of butter which was misbranded. The portion of the product consigned July 23, 1923, was labeled in part: "W. C. C. Butter * * * Waynesboro Co-Op. Creamery Waynesboro, Virginia * * * One Pound Net." The remaining consignment bore no labels or statements relative to weight.