

article was labeled in part: (Retail package) "Product of Vermont * * * 5 Lbs. Net"; (wholesale package) "H 60 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly 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 wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the name of another article, to wit, butter, and for the further 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 in terms of weight, since the statement made was not correct.

On July 22, 1924, the S. S. Pierce Co., Boston, Mass., having appeared as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12503. Adulteration and misbranding of canned clams. U. S. v. 48 Cases of Canned Clams. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17082. I. S. No. 1723-v. S. No. E-4248.)

On December 26, 1922, the United States attorney for the District of New Hampshire, 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 48 cases of canned clams at Concord, N. H., alleging that the article had been shipped by Andrew Kerr Co., from Barnstable, Mass., on or about December 4, 1922, and transported from the State of Massachusetts into the State of New Hampshire, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fancy Clams Contents 8 oz." (design showing clams).

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for clams.

Misbranding was alleged for the reason that the statement, "Fancy Clams Contents 8 oz.," together with a design showing clams, was false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On December 4, 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, *Secretary of Agriculture.*

12504. Adulteration of pickles. U. S. v. 75 Barrels of Pickles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18531. I. S. No. 11986-v. S. No. W-1498.)

On April 1, 1924, the United States attorney for the Southern District of California, 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 barrels of pickles remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the O. B. Allen Co., from Salt Lake City, Utah, on or about November 12, 1923, and transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act.

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

On April 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, *Secretary of Agriculture.*

12505. Adulteration of Brazil nuts. U. S. v. 4 Barrels of Brazil Nuts. Default decree of condemnation and forfeiture. Product ordered disposed of according to law. (F. & D. No. 17311. I. S. No. 7987-v. S. No. W-1325.)

On March 2, 1923, the United States attorney for the Southern District of California, 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 4 barrels of Brazil nuts remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Barnhart Mercantile Co., New Orleans, La., alleging that the article had been shipped from New Orleans, La., on or about December 7, 1922, and transported from the State of Louisiana into the State of California, and charging adulteration in violation of the food and drugs act.

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

On September 6, 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 disposed of according to law.

HOWARD M. GORE, *Secretary of Agriculture.*

12506. Adulteration and misbranding of butter. U. S. v. Courtland Creamery Assoc., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17929. I. S. No. 1150-v.)

On April 22, 1924, the United States attorney for the District of Minnesota, 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 Courtland Creamery Assoc., a corporation, Courtland, Minn., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 2, 1923, from the State of Minnesota into the State of Maryland, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Wrapper) "Fine Butter * * * One Pound Net."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained excessive moisture and was deficient in milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Fine Butter," borne on the wrappers containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was fine butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was fine butter, whereas, in truth and in fact, it was not fine butter but was a product deficient in milk fat and containing an excessive amount of moisture.

On April 22, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12507. Adulteration of shell eggs. U. S. v. Harry Roberts, Dan Roberts, and Chester I. Roberts (Roberts Bros. Co.). Plea of guilty by Harry Roberts. Fine, \$50 and costs. (F. & D. No. 17129. I. S. Nos. 7558-v, 7560-v.)

On April 5, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Roberts, Dan Roberts, and Chester I. Roberts, copartners, trading as Roberts Bros. Co., Elkhart, Kans., alleging shipment by said defendants, in violation of the food and drugs act, in two consignments, namely, on or about July 3 and July 20, 1922, respectively, from the State of Kansas into the State of Colorado, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment of July 3 showed that 81 eggs, or 7.5 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, and spot rots. Examination by said bureau of 720 eggs from the remaining consignment showed that 68 eggs, or 9.44 per cent of those examined, were inedible eggs, 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 part of a filthy and decomposed and putrid animal substance.