

seizure and condemnation of 125 sacks of oats, at Covington, Tenn., alleging that the article had been shipped by Luehrman Milling & Grain Co., St. Louis, Mo., on or about August 13, 1924, and transported from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was invoiced, "White Oats."

Adulteration of the article was alleged in substance in the libel for the reason that wild oats, oat hulls, wheat hulls, traces of corn and barley, trash, dirt, and other foreign substances had been mixed therewith so as to reduce and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, white oats. 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 September 30, 1924, the Luehrman Milling & Grain Co., St. Louis, Mo., having appeared as claimant for the property, and the court having found that the sacks did not bear a label indicating the true contents thereof and that the said sacks had been properly labeled and the objections raised in the libel substantially overcome, it was ordered by the court that the case be dismissed upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12748. Adulteration of canned salmon. U. S. v. 50 Cases of Salmon. Decree entered providing for release of product under bond to be salvaged. (F. & D. No. 17895. I. S. No. 12510-v. S. No. E-4563.)

On November 2, 1923, the United States attorney for the Western District of Pennsylvania, 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 50 cases of salmon, at Altoona, Pa., alleging that the article had been shipped by McGovern & McGovern, Seattle, Wash., on or about October 8, 1923, and transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Rose Brand * * * Chum Distributed By Carlisle Packing Co. Seattle, Wash., U. S. A."

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

On September 24, 1924, the Carlisle Packing Co., Seattle, Wash., having appeared as claimant and having admitted the allegations of the libel, judgment of the court was entered, ordering 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 \$500, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion, under the supervision of this department, and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12749. Adulteration of shell eggs. U. S. v. H. H. Little Commission Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 17939. I. S. No. 6878-v.)

On March 11, 1924, the United States attorney for the Southern District of Mississippi, 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 H. H. Little Commission Co., a corporation, Forest, Miss., alleging shipment by said company, in violation of the food and drugs act, on or about June 19, 1923, from the State of Mississippi into the State of Louisiana, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From H. H. Little Commission Co. * * * Forest, Miss."

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 251, or 17.43 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 whole or in part of a filthy and decomposed and putrid animal substance.

On September 16, 1924, 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.*