

12964. Adulteration of chocolate-coated confections. U. S. v. 33 Cases Chocolate-Coated Confections. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19378. I. S. No. 8020-v. S. No. W-1620.)

On December 12, 1924, the United States attorney for the Northern 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 33 cases of chocolate-coated confections, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the San Man Chocolate Co., from Boston, Mass., on or about October 7, 1924, and transported from the State of Massachusetts into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Retail package) "San-Man Chocolates."

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

On December 26, 1924, the San Man Chocolate Co., Boston, Mass., claimant, having consented to the entry of a decree, 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 \$3,000, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12965. Adulteration of shell eggs. U. S. v. Europe Hamlin Caldwell (Scottsboro Produce Co.). Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 18085. I. S. No. 4824-v.)

On March 28, 1924, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Europe Hamlin Caldwell, trading as Scottsboro Produce Co., Scottsboro, Ala., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 30, 1923, from the State of Alabama into the State of Tennessee, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Scottsboro Produce Co. E. H. Caldwell * * * Scottsboro, Ala."

Examination of 720 eggs from the consignment by the Bureau of Chemistry of this department showed that 59 eggs, or 8.2 per cent of those examined, were inedible, consisting of mixed rots, 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.

On October 14, 1924, the case came on for trial before the court and a jury, and a verdict of not guilty was returned.

W. M. JARDINE, *Secretary of Agriculture.*

12966. Misbranding of feed. U. S. v. the Scott County Milling Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 18339. I. S. Nos. 9126-v, 9128-v.)

On September 10, 1924, the United States attorney for the Eastern District of Missouri, 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 Scott County Milling Co., a corporation, Sikeston, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about January 17, 1923, and July 16, 1923, respectively, from the State of Missouri into the State of Mississippi, of quantities of feed which was misbranded. A portion of the article was labeled in part: (Tag) "Gristo Milk Maker Analysis: Protein 16½%, Fat 4%. * * * Carbohydrates 60% * * * Scott County Milling Co. Sikeston, Dexter, Oran, Mo." The remainder of the said article was labeled in part: (Tag) "Gristo Work Feed 90% Grain * * * Scott County Milling Co."

Analysis of a sample of the Gristo milk maker by the Bureau of Chemistry of this department showed that it contained 12.46 per cent of protein, 1.73 per cent of fat, and 50.72 per cent of carbohydrates. Examination of the Gristo work feed by said bureau showed that it contained 72.88 per cent of grain.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Analysis: Protein 16½%, Fat 4% * * *