

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not but did consist of a product deficient in milk fat and containing excessive moisture. Misbranding was alleged for the further reason that the statement "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On November 18, 1924, the Sardis Creamery Co., Sardis, Miss., having appeared as claimant for the property, judgment was entered for the Government, and the product was bonded by the said claimant. On January 7, 1925, the product having been retreated so as to meet the objections of this department, it was ordered by the court that the bond be exonerated and that the claimant pay the costs of the proceedings.

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

12999. Misbranding and alleged adulteration of milk chocolate. U. S. v. 6,200 Pounds of Milk Chocolate. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19085. I. S. No. 18612-v. S. No. C-4038.)

On October 24, 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 a libel praying the seizure and condemnation of 6,200 pounds of milk chocolate, at Winona, Minn., alleging that the article had been shipped by the Rice Chocolate Co., from Boston, Mass., on or about June 24, 1924, and transported from the State of Massachusetts into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Wrapper) "Clover Milk," (tag on bag) "From Rice Chocolate Co. Boston, Mass. * * * Material Clover Milk."

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

Misbranding was alleged for the reason that the statements, appearing in the labeling, "Clover Milk," "Material Clover Milk" were false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On November 18, 1924, H. D. Foss & Co., Winona, Minn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court 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 \$1,000, in conformity with section 10 of the act.

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

13000. Adulteration and misbranding of mixed oats. U. S. v. 300 Sacks of Crescent Mixed Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18694. I. S. No. 18305-v. S. No. C-4397.)

On May 16, 1924, the United States attorney for the Middle District of Tennessee, 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 300 sacks of Crescent mixed oats, remaining in the original unbroken packages at Clarksville, Tenn., alleging that the article had been shipped by S. Zorn and Co., Louisville, Ky., on or about May 7, 1924, and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Crescent Mixed Oats * * * Other Grains Zorn Bleached Grain."

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

Misbranding was alleged in that the designation "Mixed Oats" was false and misleading and deceived and misled the purchaser, and the words "Other