

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 or about August 4, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13719. Adulteration of canned corn. U. S. v. 100 Cases et al. of Canned Corn. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19522, 19523, 19524. I. S. Nos. 20451-v, 20452-v, 21176-v. S. Nos. W-1633, W-1634, W-1635.)

On or about January 20, 27, and 28, 1925, respectively, 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 libels praying the seizure and condemnation of 1,848 cases of canned corn, remaining in the original unbroken packages, in part at Fresno, Calif., and in part at Los Angeles, Calif., consigned by William Numsen & Sons, Inc., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., in various consignments, namely, on or about October 18, November 21, and December 2, 1924, respectively, and transported from the State of Maryland into the State of California, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Farm Queen Brand Sweet Corn * * * Packed By Wm. Numsen & Sons Inc. Baltimore, Md." The remainder of the said article was labeled in part: (Can) "Feather Brand Sweet Corn Wm. Numsen & Sons, Inc. Distributors Baltimore, Md."

Adulteration of the article was alleged in the libels for the reason that excessive water or brine had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On March 3 and 4, 1925, respectively, William Numsen & Sons, Inc., Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate amount of \$3,400, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13720. Alleged misbranding of chick feed and horse feed. U. S. v. Sunny South Grain Co. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 19240. I. S. Nos. 752-v, 981-v.)

On January 16, 1925, 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 the Sunny South Grain Co., a corporation, Birmingham, Ala., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about May 21, 1923, and January 23, 1924, respectively, from the State of Alabama into the State of South Carolina, of a quantity of chick feed and of a quantity of horse feed which were alleged to be misbranded. The articles were labeled, respectively: (Tag) "Ideal Baby Chick Feed 100 Lbs. Net When Packed * * * Manufactured By Sunny South Grain Co., Birmingham, Ala.," and "100 Lbs. Net When Packed I X L Horse Feed Made By Sunny South Grain Co., Birmingham, Ala."

Examination by the Bureau of Chemistry of this department of 20 sacks of the chick feed and 25 sacks of the horse feed showed an average net weight of 98.48 pounds and 97.75 pounds, respectively.

Misbranding of the articles was alleged in the information for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated represented more than the actual contents of the said packages.

On August 24, 1925, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the jury returned a verdict of not guilty.

R. W. DUNLAP, *Acting Secretary of Agriculture.*