

Adulteration of the article was alleged in the libel for the reason that a substance, brown shorts, had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the designation, "Wheat Grey Shorts," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article, viz., wheat grey shorts.

On January 4, 1926, the Royal Feed & Milling Co., Memphis, Tenn., claimant, having admitted the allegations of the libel but denying responsibility for the violation, and having offered bond in the sum of \$1,000, conditioned that the requirements of this department be complied with, it was ordered by the court that the product be released to the said claimant to be relabeled, and that the claimant pay the costs of the proceedings.

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

**14293. Misbranding of Milcoa (oleomargarine). U. S. v. Hemphill Packing Co. Plea of guilty. Fine, \$100. (F. & D. No. 19708. I. S. No. 14470-v.)**

On March 8, 1926, 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 an information against the Hemphill Packing Co., a corporation, trading at Los Angeles, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 10, 1925, from the State of California into the State of Oregon, of a quantity of Milcoa (oleomargarine) which was misbranded. The article was labeled in part: (Carton) "One Pound Net Milcoa \* \* \* Nut Margarine \* \* \* Oleomargarine \* \* \* Morris & Company," (wrapper) "Moisture 12.%"

Analysis by the Bureau of Chemistry of this department of four samples of the article showed an average moisture content of 13.7 per cent. Examination by said bureau showed that the average weight of 130 packages was 15.75 ounces.

Misbranding of the article was alleged in the information for the reason that the statement "Moisture 12.%" borne on the packages containing the said article, and the statement "One Pound Net," borne on the wrappers and cartons, were false and misleading, in that the said statements represented that the article contained not more than 12 per cent of moisture and that each package contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not more than 12 per cent of moisture and that each of the packages contained 1 pound net of the said article, whereas it contained more than 12 per cent of moisture and each of said packages contained less than 1 pound net of the article. 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 April 19, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**14294. Misbranding and alleged adulteration of canned clams. U. S. v. 8 Cases of Canned Clams. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20327. I. S. No. 6921-x. S. No. E-5467.)**

On August 21, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cases of canned clams, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by A. J. Lawler, South West Harbor, Me., on or about May 19, 1925, and transported from the State of Maine into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "White Star Brand Maine Clams Net Weight 5 Ounces Packed By A. J. Lawler. So. West Harbor, Maine."

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

Misbranding was alleged for the reason that the statement on the labels, to wit, "Clams Net Weight 5 Ounces," was false and misleading and deceived and misled the purchaser, for the further reason that it was offered for sale under the distinctive name of another article, 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.

On April 5, 1926, A. J. Lawler, South West Harbor, Me., having appeared as claimant for the property, a decree was entered, adjudging the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, conditioned in part that it not be sold or otherwise disposed of contrary to law.

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

**14295. Adulteration of shell eggs. U. S. v. 24 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20818. I. S. No. 4959-x. S. No. E-5621.)**

On January 25, 1926, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 cases of eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Weinberg Bros. & Co., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Quality Stamper Brand."

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

On March 1, 1926, 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.

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

**14296. Adulteration of apple chops. U. S. v. 10 Bags of Apple Chops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20952. I. S. No. 4387-x. S. No. C-5054.)**

On March 18, 1926, 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 a libel praying seizure and condemnation of 10 bags of apple chops, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by C. T. Montgomery, Noble, Ill., on or about March 8, 1926, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From C. T. Montgomery, Noble, Ill."

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

On May 13, 1926, 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.

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

**14297. Adulteration and misbranding of butter. U. S. v. Ambrosia J. Smith, John S. Carter, Sam S. Lard, Trustees (Texas Creamery Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 19282. I. S. Nos. 7488-v. 7491-v, 7493-v.)**

On May 1, 1925, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ambrosia J. Smith, John S. Carter, and Sam S. Lard, trustees, Texas Creamery Co., an unincorporated association, Houston, Tex., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about February 7, 1924, from the State of Texas into the State of Louisiana, of quantities of butter a portion of which was adulterated and misbranded, and the remainder of which was misbranded. A portion of the article was contained in tubs