

a bond in the sum of \$100, in conformity with section 10 of the act, and it was further ordered by the court that the said product be relabeled under the supervision of this department.

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

14541. Adulteration and misbranding of butter. U. S. v. 129 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20306. I. S. No. 5307-x. S. No. E-5373.)

On July 15, 1925, the United States attorney for the District of Massachusetts, 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 129 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned July 6, 1925, alleging that the article had been shipped by the Maple Hills Creamery Co., East Berkshire, Vt., and transported from the State of Vermont into the State of Massachusetts and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent of the said article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the 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 July 21, 1925, the Maple Hills Creamery Co., Inc., East Berkshire, Vt., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

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

14542. Adulteration and misbranding of butter. U. S. v. 36 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21201. I. S. No. 8172-x. S. No. E-5811.)

On July 14, 1926, the United States attorney for the Southern District of New York, 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 36 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Booth Cold Storage Co., St. Louis, Mo., on or about July 2, 1926, and transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or 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.

On August 6, 1926, the Ozark Ice & Creamery Co., claimant, having admitted the allegations of the libel and 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 \$1,200 or the deposit of collateral in like amount, conditioned in part that it be reworked or reprocessed to the satisfaction of this department.

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

14543. Misbranding of wheat middlings. U. S. v. 240 Sacks of Wheat Middlings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21146. I. S. Nos. 11355-x, 11356-x. S. No. E-5743.)

On or about June 28, 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 240 sacks of wheat middlings, remaining in the original un-

broken packages at Maugansville, Md., alleging that the article had been shipped by the High Spire Flour Mills, Inc., from High Spire, Pa., in two consignments, on or about March 13 and May 12, 1926, respectively, and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Wheat Middlings Minimum Crude Protein, 15. per cent Minimum Crude Fat, 3. per cent * * * Manufactured by Highspire Flour Mills, Inc. Highspire, Pennsylvania."

Misbranding of the article was alleged in the libel for the reason that the statement "Minimum Crude Protein, 15. per cent Minimum Crude Fat, 3. per cent" was false and misleading and deceived and misled the purchaser.

On July 2, 1926, the High Spire Flour Mills, Inc., High Spire, Pa., having appeared as claimant for the property, 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 \$1,000, conditioned in part that it not be sold or disposed of until properly labeled, and inspected and approved by this department.

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

14544. Adulteration of walnut meats. U. S. v. 10 Cases of Walnut Meats. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20855. I. S. No. 10475-x. S. No. W-1882.)

On February 23, 1926, the United States attorney for the Eastern District of Washington, 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 cases of walnut meats, remaining in the original unbroken packages at Spokane, Wash., consigned by the Sunset Nut Shelling Co., San Francisco, Calif., alleging that the article had been shipped on or about February 2, 1926, in interstate commerce from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: Amber Walnut Meats, Packed by Sunset Nut Shelling Co. San Francisco, Calif."

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 July 19, 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.*

14545. Adulteration and misbranding of vanilla flavor. U. S. v. 2 Gross Bottles Vanilla Flavor. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20772. I. S. No. 10453-x. S. No. W-1844.)

On January 14, 1926, the United States attorney for the Eastern District of Washington, 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 2 gross (bottles) of vanilla flavor, remaining in the original unbroken packages at Yakima, Wash., alleging that the article had been shipped by Lang & Co., from Portland, Oreg., November 28, 1925, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Retail label) "Great American Brand Compound Vanilla Flavor Specially Prepared From Vanilla Bean Chemically Pure Vanillin, Coumarin And Caramel Color," the words "Compound Vanilla Flavor" being much more prominent than the remainder of the quoted label. The shipping case bore the retail label and the statement: "Three Dozen, Two Ounce."

Adulteration of the article was alleged in the libel for the reason that an imitation vanilla flavor, artificially flavored and colored, had been substituted wholly or in part for the said article, and in that it had been mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the labels on the cases containing the article 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.