

District Court of the United States for said district an information against the El Paso Grain & Milling Co., a corporation, trading at El Paso, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 18, 1922, from the State of Texas into the State of Arizona, of a quantity of mill run bran which was misbranded.

Misbranding of the article was alleged in the information for the 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 October 14, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

14636. Misbranding and alleged adulteration of canned oysters. U. S. v. 699 Cases, et al., of Canned Oysters. Decrees of condemnation entered. Product released under bond. F. & D. Nos. 20278, 20281, 20292. I. S. Nos. 2432-x, 2433-x, 2434-x. S. Nos. C-4784, C-4786, C-4791.)

On July 23 and 29, 1925, respectively, the United States attorney for the Western District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,599 cases of canned oysters, in various lots at Oklahoma City, El Reno, and Clinton, Okla., respectively, consigned by the C. B. Foster Packing Co., Biloxi, Miss., alleging that the article had been shipped from Biloxi, Miss., in various consignments, on or about March 9 and 22 and April 8, 1925, respectively, and transported from the State of Mississippi into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Miss-Lou Brand Oysters Contents 4 Oz. Packed By C. B. Foster Packing Co. Inc. Biloxi, Miss." The remainder of the said article was labeled in part: (Can) "Louis Brand Oysters Contents 4 Oz. Oyster Meat" or White Pony Brand Oysters Contains 4 Oz. Oyster Meat," as the case might be, (case) "Shipped by C. B. Foster Packing Co. from Biloxi, Miss."

It was alleged in the libels that the article was adulterated, in that a substance, excessive brine, had been mixed and packed with and substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements, "Contents 4 Oz." or "Contains 4 Oz.," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. 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 September 16 and 17, 1925, respectively, the C. B. Foster Packing Co., Biloxi, Miss., having appeared as claimant for the property and having confessed the libels, judgments were entered, finding 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 bonds in the aggregate sum of \$3,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

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

14637. Adulteration and misbranding of sugar. U. S. v. 116 Bags of Sugar. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 15385. I. S. No. 9090-t. S. No. E-3581.)

On September 14, 1921, the United States attorney for the Western District of North Carolina, 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 116 bags of sugar, at Mt. Airy, N. C., alleging that the article had been shipped by M. Batencourt, from New York, N. Y., May 22, 1920, and transported from the State of New York into the State of North Carolina, 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 sweepings, water, splinters, strings and various refuse matter had been mixed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted wholly or in part of filthy vegetable matter and substances unfit for human consumption.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, and 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 October 11, 1926, the G. C. Lovell Co., Mt. Airy, N. C., having appeared as claimant for the property, and the court having found that the allegations of the libel had been admitted, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$2,000, conditioned in part that it not be disposed of contrary to law.

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

14638. Adulteration of mineral water. U. S. v. 329 Cases of Mineral Water. Consent decree entered. Water ordered destroyed. Containers released under bond. (F. & D. No. 21166. I. S. Nos. 1732-x, 1733-x. S. Nos. C-5194.)

On or about July 12, 1926, the United States attorney for the Western District of Louisiana, 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 329 cases of mineral water, at Shreveport, La., alleging that the article had been shipped by the Crazy Well Water Co., from Mineral Wells, Tex., on or about June 25, 1926, and transported from the State of Texas into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Crazy This is a Natural, Saline, Alkaline Mineral Water * * * The Crazy Well Water Company, Mineral Wells, Tex."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed and putrid substance, in that it contained "B" coli, an organism indicative of the presence of sewage adulteration.

On September 21, 1926, the claimant of the property having consented to its destruction, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the water be poured out and destroyed by the United States marshal. It was further ordered by the court that the bottles be delivered to the said claimant upon the execution of a bond in the sum of \$500, conditioned that they be thoroughly sterilized.

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

14639. Adulteration and misbranding of ground black pepper. U. S. v. 2½ Barrels and 18 Pails of Ground Black Pepper. Default decree of condemnation, forfeiture and sale or destruction. (F. & D. No. 21133. I. S. Nos. 12234-x, 12235-x. S. No. C-5171.)

On June 16, 1926, the United States attorney for the District of Indiana, 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 2½ barrels and 18 pails of ground black pepper, remaining in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped by the Boston (Biston) Coffee Co., St. Louis, Mo., October 27, 1925, and transported from the State of Missouri into the State of Indiana, 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, namely ground rice, 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. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement "Ground Black Pepper," borne on the label, was false and misleading and deceived and misled the purchaser.

On September 28, 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 might be sold by the United States marshal after the obliteration of the labels and on the express condition that the purchaser use said property for his own use and not resell the same, and that if not sold it be destroyed by the marshal.

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