

It was alleged in the information that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On October 6, 1926, the defendant entered a plea of guilty to the information and the court imposed a fine of \$100.

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

**15228. Misbranding and alleged adulteration of feed barley. U. S. v. 26 Sacks of Feed Barley. Consent decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 18793. I. S. No. 12702-v. S. No. E-4869.)**

On June 19, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a district court, a libel praying seizure and condemnation of 26 sacks of feed barley, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being sold and offered for sale in the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ajax Ground Feed Barley Average Analysis Protein 11% \* \* \* Fibre 10% \* \* \* Manufactured By Cokato Milling Co., Minneapolis, Minn."

It was alleged in the libel that the article was adulterated in that it consisted of a mixture of ground barley, oats, wheat and weed seeds, which had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statements, "Protein 11% \* \* \* Fibre 10%," "Ground Feed Barley," borne on the label, were false and misleading and deceived and misled the purchaser.

On July 26, 1924, W. S. Hoge & Bro., Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of \$25 to secure that it not be sold or otherwise disposed of contrary to law.

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

**15229. Adulteration and misbranding of feed. U. S. v. The Sturges Co. Plea of guilty. Fine, \$50. (F. & D. No. 19294. I. S. Nos. 18148-v, 18149-v, 18150-v.)**

On March 18, 1925, the United States attorney for the Southern District of Mississippi, 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 Sturges Co., a corporation, Meridian, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 15, 1924, from the State of Mississippi into the State of Alabama, of quantities of feed, which was misbranded, and a portion of which was adulterated. The article was labeled, variously: "100 Pounds Bar-Nun Horse and Mule Feed Manufactured by The Sturges Company, Meridian, Miss. \* \* \* Made from Corn, Oats, Alfalfa Meal, Cottonseed Meal and Molasses," "100 Pounds Pronto Horse and Mule Feed Manufactured by The Sturges Company, Meridian, Miss. \* \* \* Made from Corn, Oats, Alfalfa Meal, Cottonseed Meal, Oat Meal Mill By-Products (Oat Hulls, Oat Dust, Rice Bran, Oat Shorts) and Molasses," and "100 Pounds Little Ben Horse and Mule Feed Manufactured by The Sturges Company, Meridian, Miss."

It was alleged in the information that the "Bar-Nun" brand and the "Pronto" brand feed were adulterated, in that a substance containing no cottonseed meal, with respect to the former, and a substance devoid of rice bran and containing a negligible quantity of cottonseed meal, with respect to the latter, had been substituted for a horse and mule feed made from the ingredients declared on the label, which the article purported to be. Adulteration was alleged for the further reason that valuable constituents of the article, to wit, cottonseed meal, in the case of the "Bar-Nun" feed, and rice bran and cottonseed meal, with respect to the "Pronto" feed, had been abstracted from the article.

Misbranding was alleged for the reason that the statements, to wit, "100 Pounds Bar-Nun Horse and Mule Feed \* \* \* Made from Corn, Oats, Alfalfa Meal, Cottonseed Meal and Molasses," "100 Pounds Pronto Horse and Mule Feed \* \* \* Made from Corn, Oats, Alfalfa Meal, Cottonseed Meal,

Oat Meal Mill By-Products (Oat Hulls, Oat Dust, Rice Bran, Oat Shorts) and Molasses," "100 Pounds Little Ben Horse and Mule Feed," as the case might be, borne on the tags attached to the sacks containing the article, were false and misleading in that the said statements represented that the sacks each contained 100 pounds of the article, that the "Bar-Nun" feed contained, among other ingredients, cottonseed meal, and that the "Pronto" feed was made from corn, oats, alfalfa meal, cottonseed meal, oat meal mill by-products (oat hulls, oat dust, rice bran, oat shorts) and molasses; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said sacks contained 100 pounds of the article, that the "Bar-Nun" feed contained, among other ingredients, cottonseed meal, and that the "Pronto" feed was made from corn, oats, alfalfa meal, cottonseed meal, oat meal mill by-products (oat hulls, oat dust, rice bran, oat shorts) and molasses; whereas each of said sacks did not contain 100 pounds of the article, but did contain a less amount, the "Bar-Nun" feed contained no cottonseed meal, and the "Pronto" feed was not composed of the declared ingredients, in that rice bran was absent, and cottonseed meal was present in so negligible an amount as not to be considered a constituent. 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 since the sacks contained less than represented.

On September 20, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**15230. Adulteration and alleged misbranding of butter. U. S. v. 106 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21974. I. S. No. 19532-x. S. No. C-5483.)**

On June 28, 1927, the United States attorney for the Northern District of Illinois, 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 106 tubs of butter, remaining in the original unbroken packages at Chicago, Ill.; alleging that the article had been shipped by the Portage Cooperative Creamery, from Portage, Wis., June 22, 1927, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated, in that it contained less than 80 per cent of butterfat.

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 in terms of weight or measure.

On July 1, 1927, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated 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 \$1,000, conditioned in part that the adulterated portion be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

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

**15231. Adulteration of butter. U. S. v. 326 Boxes of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21975. I. S. Nos. 7684-x to 7689-x, incl. S. No. E-6115.)**

On June 27, 1927, 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 326 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned in part about June 3, 1927, and in part about June 10, 1927, alleging that the article had been shipped by the Meriden Creamery Co., Kansas City, Mo., and transported from the State of Missouri into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent by weight of milk fat had been substituted in