

On July 13, 1926, the Miles Friedman Co., Chicago, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$2,000, conditioned in part that it be reconditioned to contain at least 80 per cent of butterfat, and be relabeled to show the true quantity of the contents.

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

**15384. Adulteration and misbranding of butter. U. S. v. 20 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21999. I. S. No. 16467-x. S. No. 23.)**

On July 13, 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 20 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 29, 1927, alleging that the article had been shipped by the David Cole Creamery Co., Omaha, Nebr., and transported from the State of Nebraska into the State of Massachusetts, 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 was deficient in 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 that the statement made was incorrect.

On July 29, 1927, the David Cole Creamery Co., Omaha, Nebr., having appeared as claimant for the property and having admitted the allegations of the libel, 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 deposit of \$500 in lieu of bond, conditioned that the butter be reconditioned under the supervision of this department so that it contain at least 80 per cent of butterfat and the containers relabeled to show the true quantity of the contents.

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

**15385. Misbranding of red oats. U. S. v. 300 Sacks of Red Oats. Decree of condemnation entered. Product released under bond. (F. & D. No. 21936. I. S. No. 15884-x. S. No. C-5471.)**

On May 25, 1927, the United States attorney for the Eastern District of Arkansas, 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 300 sacks of red oats, at North Little Rock, Ark., alleging that the article had been shipped by the Marshall Mill & Elevator Co., from Marshall, Texas, on or about May 9, 1927, and transported from the State of Texas into the State of Arkansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "159 net," and was invoiced as "No. 2 Red Oats."

It was alleged in the libel that the article was misbranded, in that the statement "159 net" was 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, since the quantity stated was not correct.

On May 25, 1927, the Hayes Grain & Commission Co., Little Rock, Ark., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, and it was further ordered by the court that the said product be reconditioned by adding sufficient pounds of the article to each sack to bring it up to the declared weight.

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

**15386. Adulteration and misbranding of preserves. U. S. v. 52 Cases of Preserves. Products ordered released under bond to be relabeled. (F. & D. No. 21962. I. S. Nos. 13028-x to 13033-x, incl. S. No. W-2162.)**

On June 23, 1927, the United States attorney for the District of New Mexico, 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 52 cases of preserves, at Albuquerque, N. Mex., alleging that the articles had been shipped by Libby, McNeill & Libby, from Bl Island, Ill., February 3, 1926, and transported from the State of Illinois into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part "Rival Brand \* \* \* Artificially Colored, Added Phosphoric Acid, Corn Syrup, Sugar, Apple Pectin Blackberry (or "Strawberry," or "Peach," "Loganberry," or "Red Raspberry," or "Pineapple") Preserves, Packed Peter J. Kasper Co., Chicago, Ill."

It was alleged in substance in the libel that the articles were adulterated and misbranded, in that the said statements upon the cases and labels regarding the said articles, were false and misleading and were calculated to deceive and did deceive the purchaser since a substance deficient in fruit had been mixed and packed with the said preserves so as to reduce, lower and injuriously affect their quality and strength, and had been substituted wholly or in part for phosphoric acid, corn sirup, sugar, apple pectin fruit preserves, which the articles purported to be.

On August 8, 1927, the Peter J. Kasper Co., Chicago, Ill., having appeared as claimant for the property, and the court having found that the products should be labeled, in part, "Imitation Preserves," judgment was entered ordering that the products be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, and should not be sold or disposed of until correctly labeled.

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

**15387. Misbranding of middlings. U. S. v. 300 Bags of Middlings. Cons decree of condemnation and forfeiture. Product released upon bond. (F. & D. No. 21980. I. S. No. 13326-x. S. No. 14.)**

On July 19, 1927, the United States attorney for the Middle District Pennsylvania, 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 300 bags of middlings, remaining in the original unbroken packages at Gettysburg, Pa., alleging that the article had been shipped by Continental Milling Co., from Ellicott City, Md., on or about June 24, 1927, and transported from the State of Maryland into the State of Pennsylvania and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Lbs. Continental Choice Middlings \* \* \* The Continental Milling Co., Ellicott City, Md."

Misbranding of the article was alleged in the libel for the reason that statement "100 Lbs." borne on the label, was 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 packages.

On September 20, 1927, the Continental Milling Co., Ellicott City, Md., 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it not be sold or otherwise disposed of until examined and passed by this department.

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

**15388. Adulteration and misbranding of butter. U. S. v. Harrow-Taylor Butter Co. Plea of guilty. Fine, \$50. (F. & D. No. 21594. I. S. 2274-x, 2284-x, 5082-x.)**

On August 12, 1927, the United States attorney for the Western District Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harrow-Taylor Butter Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about July 26, and August 5, 1926, respectively, from the State of Missouri into the State of Ohio, and on or about July 20, 1926, from the State of Missouri into the State of Maryland, of quantities of butter, which were adulterated and misbranded. A portion of the article was labeled, in part "Richfield Creamery Butter \* \* \* Harrow-Taylor Butter Co. Kansas City." The remainder of the said article was labeled, in part "Creamery Butter."

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