

15425. Misbranding of meat and bone scrap. U. S. v. 30 Sacks of Protein Poultry Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21203. I. S. No. 6337-x. S. No. E-5821.)

On August 5, 1926, the United States attorney for the District of Delaware, 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 30 sacks of protein poultry meat and bone scrap, remaining unsold at Wyoming, Del., alleging that the article had been shipped by the Berg Co., Inc., from Philadelphia, Pa., on or about July 2, 1926, and transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Berg's 50% Protein Poultry Meat and Bone Scrap."

It was alleged in the libel that the article was misbranded, in that the bags containing the said article bore the statement, "50% Protein," which was false and misleading and deceived and misled the purchaser.

On November 8, 1927, 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.*

15426. Misbranding of butter. U. S. v. 40 Cases, et al., of Butter. Product ordered released under bond. (F. & D. No. 21868. I. S. Nos. 15498-x, 15499-x. S. No. C-5452.)

On March 31, 1927, the United States attorney for the Southern District of Alabama, 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 84 cases of butter, at Mobile, Ala., alleging that the article had been shipped by the Sunlight Produce Co., from Neosho, Mo., March 21, 1927, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Carton) "Sunlight Creamery Butter, One Pound Net." The remainder of the said article was labeled in part: (Carton) "One Pound Net, Monogram Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net," borne on the labels, was false and misleading and deceived and misled the purchaser, in that the net weight of the butter contained in each of the cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the net contents of the package was not plainly and conspicuously marked on the outside of the carton, since the quantity marked was not correct.

On April 4, 1927, the Cudahy Packing Co., Inc. of Alabama, having appeared as claimant for the property, and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned, repacked, and relabeled under the supervision of this department, and it was further ordered by the court that upon the reconditioning of the product and the approval of this department the cause be dismissed at the cost of the claimant.

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

15427. Adulteration of shell eggs. U. S. v. Ed Morris. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19730. I. S. No. 23898-v.)

On July 24, 1926, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ed Morris, Kay County, near Marland, Okla., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 25, 1925, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs, which were adulterated. The article was labeled in part: "From Ed Morris, * * * Marland, Okla."

Examination by this department of 1 case of 360 eggs from the shipment showed 291, or 80.8 per cent, inedible eggs.

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

On October 6, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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