

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 be reprocessed, under the supervision of this department, so as to contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15853. Misbranding and alleged adulteration of vinegar. U. S. v. 66 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22393. I. S. No. 23718-x. S. No. 471.)

On January 27, 1928, the United States attorney for the Southern District of Iowa, 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 66 barrels of vinegar, remaining unsold in the original packages at Burlington, Iowa, alleging that the article had been shipped by the National Vinegar Co., from St. Louis Mo., on or about December 31, 1927, and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cider Vinegar, St. Louis, Mo."

It was alleged in substance in the libel that the article was adulterated in that it was largely vinegar made from dried apple products.

Misbranding was alleged for the reason that the statement, "Cider Vinegar," borne on the labels, was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On April 17, 1928, the National Vinegar Co., St. Louis, Mo., 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 ordered by the court that the product be released to the said claimant, to be relabeled under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15854. Misbranding of scratch feed. U. S. v. Federal Milling & Refrigerating Co. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 19302. I. S. No. 15195-v.)

On December 26, 1924, 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 an information against the Federal Milling and Refrigerating Co., a corporation, Hagerstown, Md., alleging shipment by said company, in violation of the food and drugs act as amended, on or about April 7, 1924, from the State of Maryland into the District of Columbia, of a quantity of scratch feed which was misbranded. The article was labeled in part: "Eureka Scratch Feed 100 Lbs. * * * Federal Milling and Ref'g. Co. Hagerstown, Md."

It was alleged in the information that the article was misbranded in that the statement, to wit, "100 Lbs.," borne on the sacks containing the said article, was false and misleading in that the said statement represented that the sacks each contained 100 pounds of the article, 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 each contained 100 pounds of the article, whereas they did not, but did contain a less amount. 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 stated quantity represented more than the actual contents of the package.

On June 4, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15855. Misbranding of butter. U. S. v. 45 Cases of Cloverbloom Creamery Butter. Product released under bond to be reworked. (F. & D. No. 21127. I. S. No. 7436-x. S. No. E-5718.)

On May 5, 1926, the United States attorney for the Southern District of Georgia, 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 45 cases of Cloverbloom Creamery butter, remaining in the original unbroken packages at Macon, Ga., alleging that the article had been shipped from the Armour Creameries, from Louisville, Ky., April 24, 1926, and transported from the State of Kentucky into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pound Net Weight Armour's Cloverbloom Pasteurized Creamery Butter, Distributed by Armour Creameries, * * * Chicago."

It was alleged in the libel that the article was misbranded in that the net weight statement, "1 Lb. Net Weight," was not correct, and for the further reason that the statement, "1 Lb. Net Weight," was false and misleading, since the product had a net weight of less than one pound.

On May 18, 1926, Armour & Co. having appeared as claimant for the property, 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 \$650, conditioned in part that it be returned to the factory for reworking to comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15856. Adulteration of grapefruit. U. S. v. 372 Boxes of Grapefruit. Order of destruction entered. (F. & D. No. 21821. I. S. No. 15551-x. S. No. C-5426.)

On March 15, 1927, the United States attorney for the Northern District of Texas, 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 372 boxes of grapefruit, remaining in the original packages at Dallas, Texas, consigned by the Fruit Distributors Co., Clearwater, Fla., alleging that the article had been shipped from Clearwater, Fla., on or about March 7, 1927, and transported from the State of Florida into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Florida Grapefruit Packed by W. C. Blair, J. & S. Brand Clearwater, Florida."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 2, 1927, A. A. Lawler, trading as the Texas Distributing Co., Dallas, Texas, having theretofore appeared as claimant for the property and having filed a bond in the sum of \$1,000, and the product having proved upon inspection by this department to be unfit for human consumption, upon application by the claimant it was ordered by the court that the product be destroyed and the bond exonerated, and that the claimant pay all costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15857. Adulteration of shell eggs. U. S. v. James P. Bridges (J. P. Bridges). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19732. I. S. No. 23899-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 James P. Bridges, trading as J. P. Bridges, Blackwell, Okla., alleging shipment by said defendant in violation of the food and drugs act, on or about June 24, 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 J. P. Bridges, Blackwell, Okla."

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 March 14, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15858. Adulteration and misbranding of butter. U. S. v. Pend D'Oreille Creamery Co. Plea of guilty. Fine, \$390. (F. & D. No. 22528. I. S. Nos. 10751-x, 10752-x, 10753-x, 10756-x, 10757-x.)

On December 23, 1927, the United States attorney for the District of Montana, 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 Pend d'Oreille Creamery Co., a corporation, trading at Plains, Mont., alleging shipment by said company, in violation of the food and drugs act as amended,