

16432. Adulteration of shell eggs. U. S. v. J. H. McCarty (J. H. McCarty Produce Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 23713. I. S. Nos. 0816, 0821.)

On April 1, 1929, the United States attorney for the Northern 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 J. H. McCarty, trading as J. H. McCarty Produce Co., Tupelo, Miss., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, on or about July 20, 1928, and July 23, 1928, respectively, from the State of Mississippi into the State of Alabama, of quantities of shell eggs which were adulterated. The article was labeled in part: "From J. H. McCarty Produce Co."

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

On April 1, 1929, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16433. Misbranding of dairy feed. U. S. v. 65 Sacks of Dairy Feed. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 22699. I. S. No. 20381-x. S. No. 739.)

On April 16, 1928, the United States attorney for the Western District of Virginia, 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 65 sacks of dairy feed, remaining in the original unbroken packages at Harrisonburg, Va., alleging that the article had been shipped by the Deal Bros. Milling Co., from Cumberland, Md., March 16, 1928, and transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the food and drugs act.

It was alleged in substance in the libel that the article was misbranded in that the statements, "100 Lbs. Net When Packed, Jersey Dairy Feed, 16% Analysis Protein 16%, * * * Fiber 12%, Manufactured by the Deal Bros. Milling Co., Cumberland, Maryland," borne on the label, were false and misleading and deceived and misled the purchaser in that the purchaser was led to believe by the said label that the article contained 16 per cent of protein, whereas it contained considerably less than 16 per cent of protein, and in that the statement "Fiber 12%" was false in that the article contained fiber in a greater amount than 12 per cent.

On October 23, 1928, 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 sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16434. Adulteration and misbranding of feed. U. S. v. 79 Sacks of Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23065. I. S. No. 02229. S. No. 1149.)

On or about September 17, 1928, the United States attorney for the Southern District of Florida, 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 79 sacks of feed, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Carolina Milling Co. (Inc.), from Dillon, S. C., on or about July 13, 1928, and transported from the State of South Carolina into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "C. M. Horse and Mule Feed Manufactured by Carolina Milling Co., Inc., Dillon, South Carolina Guaranteed Analysis: Protein 10% Fat 2½%, * * * Contents Corn, Oats, Alfalfa, Oat Shorts, Oat Middlings, Cotton-seed Meal, Molasses 1% Salt."

It was alleged in the libel that the article was adulterated in that oatmeal mill by-product consisting largely of oat hulls, with some oat middlings and oat shorts, deficient in protein and fat, had been substituted in part for the said article and had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement on the label, "Guaranteed analysis: Protein 10% Fat 2½%," was false and misleading and deceived and misled the purchaser when applied to an article containing less than 10 per cent of protein and less than 2½ per cent of fat; and in that the

statements "Contents Corn, Oats, Alfalfa, Oat Shorts, Oat Middlings, Cottonseed Meal, Molasses 1%," deceived and misled the purchaser when applied to an article which contained no oats and did not consist exclusively of these ingredients, but contained in addition a material proportion of oatmeal mill by-product.

On October 16, 1928, the Carolina Milling Co. (Inc.), Dillon, S. C., 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 said claimant upon payment of costs and the execution of a bond in the sum of \$300, or the deposit of collateral in like amount, conditioned in part that it be relabeled to comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16435. Adulteration of chickens. U. S. v. 4 Barrels of Chickens. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 22886. I. S. Nos. 02803, 02804. S. No. 947.)

On July 19, 1928, the United States attorney for the Northern District of New York, 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 4 barrels of chickens at Albany, N. Y., alleging that the article had been shipped by the Armour Creameries, from Denison, Iowa, in part June 12, and in part June 26, 1928, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal and of an animal unfit for food.

On September 13, 1928, Morris & Co., Albany, N. Y., having intervened and 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16436. Adulteration and misbranding of cheese. U. S. v. 30 Boxes of Cheese. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 23684. I. S. No. 03789. S. No. 1934.)

On May 7, 1929, the United States attorney for the Southern District of New York, 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 boxes of cheese, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Purity Creamery Co., from Ashland, Wis., on or before April 4, 1929, and transported from the State of Wisconsin into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "14 B Purity Cry. Co. Ashland, Wis."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 28, 1929, 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 delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16437. Misbranding of alfalfa meal. U. S. v. 400 Sacks of Alfalfa Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23568. I. S. No. 0923. S. No. 1828.)

On or about April 3, 1929, the United States attorney for the Eastern 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 400 sacks of alfalfa meal, remaining in the original packages at New Orleans, La., alleging that the article had been shipped by the Lamar Alfalfa Milling Co., Lamar Colo., on or about February 9, 1929, and transported from the State of Colorado into the State of Louisiana, and charg-