

remaining unsold in the original unbroken packages and in possession of the Crine Packing Co., Morganville, N. J., alleging that the product had been shipped on or about March 19, 1913, by H. B. Coulter, New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "1/5 of 1% Benzoate of Soda—Grant, Beall & Company, Tomato Catsup—Chicago, Ill."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, tomatoes.

On June 5, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

**3060. Misbranding of molasses feed. U. S. v. 400 Sacks Molasses Feed. Product released on bond by order of court. (F. & D. No. 5124. S. No. 1749.)**

On April 4, 1913, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks, each containing 100 pounds of so-called molasses feed, remaining unsold in the original unbroken packages and in possession of Byrnes & Co., St. Marys, Kans., alleging that the product had been shipped on or about February 10, 1913, by the Champion Feed Co., Tarkio, Mo., and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Lbs. Champion Molasses Feed. Compound processes patented, manufactured by the Champion Feed Co., Tarkio, Mo. Crude protein 13 per cent; crude fat 2 per cent; crude fiber 6 per cent; carbon hydrates 62 per cent."

Misbranding of the product was alleged in the libel for the reason that the tags attached to each of the sacks were misleading and false and were calculated to induce the purchaser to believe that the so-called molasses feed contained 13 per cent protein, 2 per cent crude fat, 6 per cent crude fiber, and 62 per cent carbohydrates, when, in truth and in fact, it contained only 9.29 per cent of protein, instead of 13 per cent as declared upon the label as hereinbefore set forth.

On April 15, 1913, the Champion Feed Co., Tarkio, Mo., moved the court for an order discharging the product from the custody of the marshal and admitted its willingness to enter into a bond in conformity with section 10 of the act and to pay all the costs of the proceedings. The same day it was ordered by the court that the product should be released to the claimant upon the execution of bond in the sum of \$500, in accordance with the provisions of the act. It was further ordered that the claimant should relabel the product in conformity with the analysis made by the Department of Agriculture and pay all costs in the case.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

**3061. Adulteration and misbranding of cottonseed meal. U. S. v. 106 Sacks Cottonseed Meal. Decree of condemnation by default. Product ordered sold. (F. & D. No. 5125. S. No. 1751.)**

On April 7, 1913, the United States attorney for the Southern 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 for the seizure and condemnation of 106 sacks of cottonseed meal remaining unsold in the original unbroken packages and in possession of the Anderson Grain & Coal Co., doing business under the name and style of Consumers' Fuel & Feed Co., Galesburg, Ill., alleging that the product had been shipped

by the Sallisaw Cotton Oil Co., Sallisaw, Okla., and transported in interstate commerce from the State of Oklahoma into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 pounds gross. Standard Choice Cotton Seed Meal or Cake—Chemical analysis: Crude protein 41 to 43 per cent; Crude Fat 6 to 8 per cent; Crude Fiber 8 to 10 per cent—Manufactured by Henson Cotton Oil Mills: Having general sales office 610-11 Live Stock Exchange, Kansas City, Mo."

Adulteration of the product was alleged in the libel for the reason that it had mixed and packed with it a large quantity of cottonseed hulls, which said cottonseed hulls had been so mixed and packed with it as to become substituted for choice cottonseed meal and so as to reduce, lower, and injuriously affect the quality and strength of said food product. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, each of the sacks bearing a label upon which appeared a statement, design, and device regarding the ingredients and the substances contained therein, which said statement, design, and device are false and misleading in that on said label there was declared to be 41 to 43 per cent protein in said product, whereas, in truth and in fact, it contained only 38.16 per cent of protein, and said label also purported to declare that the product contained from 8 to 10 per cent of crude fiber, whereas, in truth and in fact, it contained 14.66 per cent crude fiber, and said product was also misbranded in that it was represented to be choice cottonseed meal, when, in truth and in fact, it was not choice cottonseed meal, because it contained an excessive amount of cottonseed hulls.

On June 7, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal after the obliteration and destruction of the tags and labels thereon.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

**3062. Adulteration of confectionery. U. S. v. 270 Packages of Confectionery. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 5128. S. No. 1755.)**

On April 7, 1912, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 270 packages of confectionery, remaining unsold in the original unbroken packages and in possession of John Wyeth & Bro., Cincinnati, Ohio, alleging that the product had been shipped from the State of Pennsylvania into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. One hundred and ten of the packages were labeled: "Compressed Flavored Lozenges—Mint \* \* \* John Wyeth & Brother, Incorporated, Manufacturing Chemists, Philadelphia." Five of these packages were tin cans containing 50 pounds; 5 others were tin cans containing 25 pounds; 10 others were tin cans each containing 10 pounds; 20 others were tin cans each containing 5 pounds; 20 others were glass jars each containing 5 pounds; and 50 others were bottles each containing 1 pound of the product. Seventy-five of the packages were labeled: "Compressed Flavored Lozenges Wintergreen—Guaranteed by us to comply with The Food and Drugs Act, June 30, 1906. Serial No. 9. John Wyeth & Brother, Incorporated, Manufacturing Chemists, Philadelphia." Ten of these packages were tin cans, each containing 10 pounds; 20 were tin cans, each containing 5 pounds; 20 were glass jars, each containing 5 pounds; and 25 were bottles, each containing 1 pound of this product. Eighty-five of the packages were labeled: "Peppermint—Singer—5¢."

Adulteration of the product was alleged in the libel for the reason that the confectionery contained talc, that is to say, the confectionery in the packages labeled