

been done and is not here.' And that is the function of this court in this case to declare, and I do so declare, that this shipment of vinegar was misbranded within the meaning of the law. I indicated that upon the issue of adulteration the court is not required to find adulteration—I don't think it is supported by the evidence here—and that count will be dismissed, and upon the other count there will be a decree in the ordinary form of condemnation."

On December 26, 1922, the court having found that the allegations as to the misbranding of the product were true and correct but that the allegations as to the adulteration were unsupported, judgment was entered declaring the product to be misbranded and ordering its condemnation and forfeiture. It was further ordered by the court that the said product be released to the claimant, the Douglas Packing Co., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11327. Adulteration and misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17208. I. S. No. 2593-v. S. No. E-4296.)

On January 29, 1923, the United States attorney for the Eastern District of Pennsylvania, 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 of cottonseed meal, remaining in the original unbroken packages at Mount Joy, Pa., and vicinity, consigned by the Eastern Cotton Oil Co., Hertford, N. C., alleging that the article had been shipped from Hertford, N. C., on or about January 10, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Hertford, North Carolina. Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00% * * * Ingredients—made from Upland Cotton Seed."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein, ammonia, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels bore the following statements regarding the article and the ingredients and substances contained therein, "Perfection Cotton Seed Meal * * * Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00% Ingredients—made from Upland Cotton Seed," which statements were false and misleading in that the said article did not in fact contain 41 per cent of protein, equivalent to 8 per cent of ammonia. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On February 6, 1923, E. H. Zercher, Mount Joy, Pa., having entered an appearance as claimant for the property, 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, in conformity with section 10 of the act, conditioned in part that the said product be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11328. Adulteration and misbranding of frozen eggs. U. S. v. 92 Cases of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17273. I. S. No. 4177-v. S. No. C-3882.)

On or about February 8, 1923, the United States attorney for the Northern 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 praying the seizure and condemnation of 92 cases of frozen eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by W. L. Ogden & Co., from Sioux City, Iowa, January 17, 1923, and transported from the State of Iowa into the State of Illinois and charging adulteration and misbranding in violation of the Food and Drugs