

Royal * * * Scarlet Brand * * * R. C. Williams & Co., New York;” (bottle) “Flavoring Extract Vanilla * * * Contents 2 Fl. Oz.”

Adulteration of the article was alleged in the libel for the reason that dilute extract of vanilla, reinforced with vanillin and mixed and colored in a manner whereby damage and inferiority were concealed, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing on the bottles containing the article and on the cartons in which they were packed, to wit, (bottle and carton) “Flavoring Extract Vanilla * * * Contents 2 Fl. Oz.” (carton) “Use * * * Quality Flavoring Extracts For Flavoring,” (wholesale carton) “The Famous Royal * * * Scarlet Brand The Finest Food Products In The World,” were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it 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 statement, to wit, “Contents 2 Fl. Oz.,” was incorrect.

On February 16, 1924, R. C. Williams & Co., New York, N. Y., having appeared 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 \$150, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12139. Adulteration and misbranding of ground mixed feed barley. U. S. v. 500 Bags of Ground Feed. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18193. I. S. No. 10297-v. S. No. E-3905.)

On December 20, 1923, the United States attorney for the Northern 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 the seizure and condemnation of 500 bags of ground feed, remaining in the original unbroken packages at East Point, Ga., alleging that the article had been shipped by the Cokato Milling Co., from Minneapolis, Minn., on or about October 7, 1923, and transported from the State of Minnesota into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) “100 Lbs. Net Ajax Ground Mixed Feed Barley * * * Protein 11% * * * Manufactured By Cokato Milling Co. Minneapolis, Minn.”

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and containing oats and screenings had been mixed and packed with and substituted wholly and in part for ground mixed feed barley, which the said article purported to be.

Misbranding was alleged for the reason that the statements in the labeling, “Ground Mixed Feed Barley * * * Protein 11%,” were false and misleading and deceived and misled the purchaser, in that the article was not a ground mixed feed barley and did not contain 11 per cent of protein. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, “Ground Mixed Feed Barley * * * Protein 11%.”

On January 8, 1924, 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 relabeled and sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12140. Misbranding of cottonseed meal. U. S. v. 1,300 Sacks, et al., of Cottonseed Meal. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18219, 18220, 18221, 18224, 18235, 18237. I. S. Nos. 13701-v, 15846-v, 15847-v, 15848-v, 15878-v, 15879-v. S. Nos. E-4679, E-4680, E-4681, E-4685, E-4711, E-4717.)

On December 27, 1923, and January 2 and 7, 1924, respectively, 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 libels praying the seizure and condemnation of 1,930 sacks of cottonseed meal, remaining in the original unbroken packages in various lots at Christiana, Landisville, Strasburg, Vintage, Elizabethtown, and East

Earl, Pa., respectively, consigned by the Eastern Cotton Oil Co., in part from Edenton and in part from Hertford, N. C., alleging that the article had been shipped in various consignments, namely, on or about October 30, November 1, 2, 7, 15, and 16, 1923, respectively, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in substance in the libels for the reason that the packages containing the article bore the following statements regarding the said article and the ingredients and substances contained therein, "Perfection Cotton Seed Meal" and "Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," which statements were false and misleading, in that they indicated to the purchaser that the article contained 41 per cent of protein, the equivalent to 8 per cent of ammonia, when, in fact, it contained less than 41 per cent of protein.

On January 11 and 18, 1924, respectively, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$6,450, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12141. Adulteration and misbranding of canned tomatoes. U. S. v. 600 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18216. I. S. No. 15902-v. S. No. E-4678.)

On December 28, 1923, the United States attorney for the District of New Jersey, 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 600 cases of canned tomatoes, at Newark, N. J., alleging that the article had been shipped by the Delaware Packing Co., from Laurel, Del., on or about October 5, 1923, and transported from the State of Delaware into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Delaware Brand" (cut showing red ripe tomato) "Tomatoes Contents 1 Pound 3 Ounces * * * Untouched By Hands In Process Of Peeling No Chemicals * * * Packed By Delaware Packing Co. Dover, Del."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, small pieces of tomato and tomato skins, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the package containing the article bore statements regarding the said article and the ingredients and substances contained therein, to wit, "Tomatoes Contents 1 Pound 3 Ounces," together with the design or device of a red tomato, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it 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 statement made was not correct.

On March 11, 1924, the Delaware Packing Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might 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 it be relabeled, "Delaware Brand Machine Crushed Tomatoes with juice and some skin Contents 1 Pound Packed by Delaware Packing Co. Dover, Del."

C. F. MARVIN, *Acting Secretary of Agriculture.*