

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.

On January 15, 1925, the Lexington Elevator & Mill Co., Lexington, Ohio, 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 good and sufficient bond, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

**13038. Adulteration and misbranding of grape soda water flavor. U. S. v. 2 Barrels and 25 Jugs of Cosco Soluble Grape Soda Water Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18903. I. S. Nos. 18881-v, 18882-v. S. No. C-4454.)**

On August 11, 1924, the United States attorney for the Eastern District of Wisconsin, 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 2 barrels and 25 jugs of Cosco soluble grape soda water flavor, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Sethness Co., Chicago, Ill., June 27, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cosco Guaranteed by Sethness Company Chicago, Soluble Grape Soda Water Flavor contains added flavoring products identified in grapes, artificially colored."

Adulteration of the article was alleged in the libel for the reason that an artificially-flavored and artificially-colored imitation product had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and in that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement "Soluble Grape Soda Water Flavor" was false and misleading and deceived and misled the purchaser, and in that it was an imitation of another article.

On December 15, 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 destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**13039. Misbranding of cottonseed meal. U. S. v. 160 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18405. I. S. No. 15057-v. S. No. E-4747.)**

On February 21, 1924, 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 the seizure and condemnation of 160 sacks of cottonseed meal, consigned November 21, 1923, remaining in the original unbroken packages at Front Royal, Va., alleging that the article had been shipped by the International Vegetable Oil Co., from Raleigh, N. C., and transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Net Empire Choice Cotton Seed Meal \* \* \* Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in the libel for the reason that the statements appearing in the label, "Choice" and "Guaranteed Analysis Protein not less than 41.12% Equivalent to Ammonia 8.00%," 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.

On June 2, 1924, the International Vegetable Oil Co., Raleigh, N. C., 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 \$500, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*