

the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,815, in conformity with section 10 of the act, conditioned in part that it be relabeled or reconditioned to meet the requirements of the law, and not be sold or disposed of without having been inspected by a representative of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13208. Adulteration and misbranding of tankage. U. S. v. 70 Bags of Tankage. Default decree entered, ordering product destroyed.** (F. & D. No. 17648. I. S. No. 9183-v. S. No. C-4065.)

On July 13, 1923, the United States attorney for the Northern 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 praying the seizure and condemnation of 70 bags of tankage, at Leipsic, Ohio, consigned February 7, 1923, alleging that the article had been shipped by the Western By-Products Co., from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bag) "Master Brand Meat Meal Digester Tankage 100 Lbs. \* \* \* Guaranteed Analysis Protein 60.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Protein 60.00%" was false and misleading and deceived and misled the purchaser.

On March 13, 1925, no claimant having appeared for the property, a decree of the court was entered, ordering that the product be destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13209. Adulteration and alleged misbranding of evaporated apples. U. S. v. 3,198 Cases of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19894. I. S. Nos. 24023-v, 24024-v. S. No. C-4679.)

On March 12, 1925, 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 3,198 cases of evaporated apples, at Chicago, Ill., alleging that the article had been shipped by the Hartmann Dried Fruit Co., from Rochester, N. Y., December 30, 1924, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Evaporated Apples," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a substance containing an excessive amount of water or moisture. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, evaporated apples.

On March 30, 1925, the Hartmann Dried Fruit Co., Inc., Rochester, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the 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 reconditioned by drying under the supervision of this department, so as to contain not more than 24 per cent of moisture.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13210. Misbranding of cottonseed meal. U. S. v. Consolidated Cottonseed Operating Co. Plea of nolo contendere. Fine, \$100.** (F. & D. No. 19260. I. S. No. 9192-v.)

On January 5, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Consolidated Cottonseed Operating Co., a corporation, trading at Dallas, Tex.,

alleging shipment by said company, in violation of the food and drugs act as amended, on or about October 3, 1923, from the State of Texas into the State of Ohio, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Lbs. Net \* \* \* Cotton Seed Meal."

Thirty sacks weighed by an inspector of the Bureau of Chemistry of this department averaged 96.5 pounds net weight.

Misbranding of the article was alleged in the information for the reason that the statement, to wit "100 Lbs. Net," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that each of the sacks contained 100 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds of the article, whereas each of said sacks did not contain 100 pounds net of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 14, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13211. Adulteration and alleged misbranding of butter. U. S. v. 17 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No 19828. I. S. No. 20485-v. S. No. W-1636.)**

On February 5, 1925, the United States attorney for the Northern District of California, 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 17 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by Snyder Dairy Products [Snider Dairy & Produce Co.], Medford, Oreg., alleging that the article had been shipped from Medford, Oreg., February 1, 1925, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been mixed and packed with and substituted wholly or in part for butter, and for the further reason that a valuable constituent, namely, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the article was food in package form and the label bore no statement of the quantity of the contents.

On March 17, 1925, the Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the 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 brought into compliance with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13212. Adulteration and misbranding of imitation lemon flavor. U. S. v. 3 Cases of Imitation Lemon Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18716. I. S. No. 20095-v. S. No. W-1510.)**

On or about June 16, 1924, the United States attorney for the District of Idaho, 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 3 cases of imitation lemon flavor, at Wallace, Idaho, alleging that the article had been shipped by the Gray Mfg. Co., Spokane, Wash., on or about September 29, 1923, and transported from the State of Washington into the State of Idaho, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pint Special Imitation Flavor Of Lemon \* \* \* For Flavoring Ice Cream, Jellies, Pastry, Custards, Etc. Put Up By Gray Manufacturing Co. Manufacturers And Importers Spokane Wash."

Adulteration of the article was alleged in the libel for the reason that a worthless article possessing a negligible flavoring value had been substituted