

reason that the article was offered for sale under the distinctive name of another article.

On November 16, 1925, 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.

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

13875. Misbranding of flour. U. S. v. 40 Sacks and 23 Sacks of Flour. Default decrees of condemnation, forfeiture, and sale. (F. & D. No. 20161. I. S. Nos. 17474-v, 17475-v. S. No. E-5393.)

On June 30, 1925, the United States attorney for the Eastern District of South Carolina, 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 63 sacks of flour, remaining in the original unbroken packages at Cheraw, S. C., alleging that the article had been shipped by the Allen Milling Co., from Wadesboro, N. C., June 13, 1925, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "24 Lbs. When Packed" or "Pound Cake Flour 24 Lbs," as the case might be.

Misbranding of the article was alleged in the libels for the reason that the statements on the labels, "24 Lbs. When Packed," with respect to a portion of the product, and "Flour 24 Lbs." with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser. 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 November 10, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal.

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

13876. Misbranding of canned tomatoes. U. S. v. 571 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 20341. I. S. No. 10229-x. S. No. C-5019.)

On August 11, 1925, 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 571 cases of canned tomatoes, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by Wm. Silver & Co., York, Pa., on or about January 26, 1925, and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Satisfactory Brand Tomatoes Wm. Silver & Co. Inc. Distributors Aberdeen, Md. Contents 1 Lb. 3 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement borne on the label "1 Lb. 3 Oz." was false and misleading and deceived and misled the purchaser, and 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 package.

On November 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the cans labeled "Satisfactory Brand" be separated from the remainder and the label corrected to read "Contents 1 Lb.," and the entire lot sold by the United States marshal.

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

13877. Adulteration and misbranding of spring water. U. S. v. 9 Bottles of Williams' Acme Spring Health Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20099. I. S. No. 14261-v. S. No. E-5320.)

On June 4, 1925, the United States attorney for the District of Massachusetts, 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 9 five-gallon bottles of Williams' Acme spring health water, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Williams Bros., from Bowers Hill, Va., on or

about May 24, 1925, and transported from the State of Virginia into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Acme Spring Health Water Williams Brothers Norfolk, Va."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the statement "Health Water," borne on the label, was false and misleading, since the water was polluted.

On September 14, 1925, 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.

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

13878. Misbranding of butter. U. S. v. 18 Boxes, et al., of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20611. I. S. Nos. 2020-x, 2021-x, 2022-x. S. No. C-4845.)

On or about October 16, 1925, the United States attorney for the Western District of Tennessee, acting upon reports 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 62 boxes of butter, at Memphis, Tenn., consigned in various shipments on October 13, 14, and 15, 1925, respectively, alleging that the article had been shipped by the Sardis Creamery Co., from Sardis, Miss., and transported from the State of Mississippi into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was contained in cartons labeled in part: "One Pound Net Weight." The boxes containing a portion of the product were labeled in part: "From Sardis Creamery Co. * * * Sardis, Mississippi."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net Weight," borne on the labels, was false and misleading and deceived the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 21, 1925, the Sardis Creamery Co., Sardis, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$1,400, in conformity with section 10 of the act, said bond providing that the product be reconditioned under the supervision of an official of the Department of Health of Memphis, Tenn. •

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

13879. Adulteration of cottonseed cake. U. S. v. the Lamar Cotton Oil Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 19295. I. S. No. 20636-v.)

On February 5, 1925, the United States attorney for the Eastern 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 Lamar Cotton Oil Co., a corporation, Paris, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about January 16, 1924, from the State of Texas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "100 Lbs. 43% Protein Cotton Seed Cracked Cake Prime Quality, Manufactured by The Lamar Cotton Oil Co. Paris, Texas * * * Crude Protein 43.00% * * * Crude Fibre 12.00%."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained 39.17 per cent of protein and 14.15 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that a substance containing less than 43 per cent of protein and more than 12 per cent of crude fiber had been substituted for cottonseed cracked cake purporting to contain 43 per cent of protein and not more than 12 per cent of crude fiber. Adulteration was alleged for the further reason that a substance deficient in protein and containing excessive crude fiber had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality