

New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Metro Brand Corn Syrup Apple Pectin Jelly Composed Of Corn Syrup, Apple Pectin, Phosphoric Acid And Artificial Coloring Net Weight 30 Lbs. Manufactured By Excelsior Honey Co., Brooklyn, New York."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Weight 30 Lbs.," was false and misleading and deceived and misled the purchaser, 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 was not correct. Misbranding was alleged for the further reason that the article was an imitation of another article and not labeled as such.

On November 16, 1925, the Excelsior Honey Co., Brooklyn, N. Y., having admitted the allegations of the libel and having prayed release of the product under bond, judgment of the court was entered, ordering that the product be released to the 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, conditioned in part that it be relabeled under the supervision of this department.

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

**13958. Adulteration of canned sardines. U. S. v. 858 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20419. I. S. No. 3912-x. S. No. C-5024.)

On or about September 15, 1925, the United States attorney for the Western District of Louisiana, 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 858 cases of canned sardines, at Lafayette or Lake Charles, La., alleging that the article had been shipped by the Maine Cooperative Sardine Co., from New York, N. Y., on or about August 12, 1925, and transported from the State of New York into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Banquet Brand American Sardines In Cottonseed Oil, Packed At Eastport, Washington Co., Me. By L. D. Clark & Son."

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

On December 7, 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.

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

**13959. Misbranding of cottonseed cake and meal. U. S. v. 50 Sacks of Cottonseed Cake and 185 Cases (Sacks) of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20658. I. S. Nos. 341-x, 342-x. S. No. W-1821.)

On November 27, 1925, the United States attorney for the District of Colorado, 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 50 sacks of cottonseed cake and 185 sacks of cottonseed meal, remaining in the original unbroken packages at Denver, Colo., alleging that the article had been shipped from Sherman, Tex., on or about September 22, 1925, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Chickasha Cotton Oil Co. Chickasha, Okla. \* \* \* Manufacturers Of Cotton Seed Products \* \* \* Prime Cottonseed Cake or Meal \* \* \* Guaranteed Analysis: Protein not less than 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein not less than 43 per cent," borne on the label, was false and misleading and deceived and misled the purchaser, in that the product did not contain 43 per cent of protein.

On December 11, 1925, the Grayco Milling Co., Sherman, Tex., claimant, having admitted the allegations of the libel 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 be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act.

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