

willful misconduct. I am therefore inclined to think that justice requires a little more than a nominal fine.
Judgment will be that the defendant pay a fine of twenty-five dollars upon each count."

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

15115. Adulteration of pecans. U. S. v. 23 Barrels of Pecans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21857. I. S. No. 12915-x. S. No. W-2125.)

On April 25, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 barrels of pecans, remaining in the original unbroken packages at Seattle, Wash., consigned by the Southland Pecan Co., Mobile, Ala., about January 27, 1927, alleging that the article had been shipped in interstate commerce from Mobile, Ala., into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gold Medal Pecans Southland Pecan Co. Columbus, Ga. U. S. A. Growers and Shellers, Brown Pieces."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On or about May 16, 1927, 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.*

15116. Adulteration of canned peas. U. S. v. 600 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21056. I. S. No. 8129-x. S. No. E-5755.)

On May 6, 1926, 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 seizure and condemnation of 600 cases of canned peas, at Jersey City, N. J., alleging that the article had been shipped by the Knoxboro Canning Co., Oriskany Falls, N. Y., on or about January 29, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "White Mountain Brand Sweet Peas * * * New Hartford Canning Co. New Hartford, Oneida Co., N. Y."

It was alleged in the libel that the article was adulterated, in that a substance, saccharin, had been substituted in part for the said article, and in that it contained an added poisonous or other added deleterious ingredient, saccharin, which might have rendered it injurious to health.

On December 2, 1926, the New Hartford Canning Co., Ltd., New Hartford, N. Y., 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 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, conditioned in part that it not be sold or otherwise disposed of contrary to the Federal food and drugs act, or contrary to the laws of any State, Territory, District, or insular possession of the United States, which prohibits the use of saccharin in like products for human consumption.

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

15117. Adulteration of tomato paste. U. S. v. 18 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21542. I. S. No. 15099-x. S. No. C-5313.)

On January 25, 1927, the United States attorney for the Eastern 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 seizure and condemnation of 18 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by John S. Mitchell Inc., Windfall, Ind., on or about November 24, 1926, and transported from the State of Indiana into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "Imperial Brand Pure Tomato Paste, * * * Distributed By John S. Mitchell, Inc. Windfall, Ind."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 10, 1927, 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.*

15118. Adulteration and misbranding of cottonseed meal and cottonseed cake. U. S. v. 100 Sacks of Cottonseed Meal and 400 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21460. I. S. Nos. 15184-x, 15185-x. S. No. W-1892.)

On December 14, 1926, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of cottonseed meal and 400 sacks of cottonseed cake, remaining unsold in the original packages at Tucumcari, N. Mex., alleging that the articles had been shipped by the Amarillo Cotton Oil Co., Amarillo, Tex., December 3, 1926, and transported from the State of Texas into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "43% Protein Cottonseed Cake" (or "Cotton-seed Meal") "Prime Quality, Manufactured by Amarillo Cotton Oil Company, of Amarillo, Texas."

It was alleged in substance in the libel that the said sacks were misbranded, and the contents thereof adulterated, in that the statements and labels on the sacks, regarding the chemical contents of the article of food contained therein, were false and misleading and were intended to and did deceive the purchaser, in that a product containing less than 43 per cent of protein had been substituted for 43 per cent protein cottonseed meal and cottonseed cake, which the articles purported to be.

On March 7, 1927, the Amarillo Cotton Oil Co., Amarillo, 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 \$1,000, conditioned that it not be sold or otherwise disposed of contrary to law.

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

15119. Misbranding of cottonseed cake. U. S. v. 400 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21420. I. S. No. 4142-x. S. No. C-5275.)

On or about December 11, 1926, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed cake, remaining in the original unbroken packages at Gretna, Kans., alleging that the article had been shipped by the International Vegetable Oil Co., from Dallas, Tex., on or about November 17, 1926, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Pounds Net Guaranteed Analysis Protein, not less than 43% * * * Choctaw Quality Cottonseed Cake And Meal Choctaw Sales Company * * * Kansas City, Missouri."

It was alleged in the libel that the article was misbranded, in that the statement "Guaranteed Analysis Protein, not less than 43%, borne on the label, was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained not less than 43 per cent of protein, whereas it contained a smaller quantity,

On February 19, 1927, the Planters Cottonseed Products Co., Dallas, Tex., having appeared as claimant for the property, judgment of condemnation 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 \$1,000, conditioned that it not be sold or offered for sale in violation of the law.

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