

The article was labeled in part: (Can) "Pie Makers Special Red Sour Cherries \* \* \* Packed by The J. Salter Co., Manchester, N. Y."

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 March 31, 1928, the J. Salter Co., Manchester, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and said claimant having filed a bond in the sum of \$1,500 for return of the product for reconditioning under the supervision of this department, judgment was entered that the said product be released to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15861. Misbranding of cottonseed meal and cake. U. S. v. 160 Sacks of Cottonseed Cake, et al. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22261. I. S. Nos. 23149-x, 23150-x. S. No. 313.)

On December 5, 1927, the United States attorney for the Western District of Missouri, 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 160 sacks of cottonseed cake, and 240 sacks of cottonseed meal, remaining in the original unbroken packages at Cole Camp, Mo., alleging that the article had been shipped by the Planters Cottonseed Products Co., from Dallas, Texas, November 26, 1927, and transported from the State of Texas into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Golden Rod Forty-three per cent Protein Cottonseed Cake (or "Meal") \* \* \* Manufactured by Planters Cottonseed Products Company, Dallas, Texas, Guaranteed Analysis Crude Protein Not Less than 43 per Cent."

It was alleged in the libel that the article was misbranded in that it was deficient in protein, and in that the statements on the label, to wit, "Forty-three per cent protein" and "Crude Protein not less than Forty-three per cent," were false and misleading and deceived and misled the purchaser.

On December 21, 1927, the Planters Cottonseed Products Co., Dallas, Texas, claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered finding the product misbranded, and it was 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 \$2,000, conditioned in part that it be relabeled under the supervision of a representative of the Government.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15862. Misbranding of olive oil. U. S. v. 72 Half-Gallon Cans. et al., of Olive Oil. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22126. I. S. No. 20977-x. S. No. 176.)

On November 1, 1927, 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 seizure and condemnation of 72 half-gallon cans and 126 quart cans of olive oil, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by Leo Crisafulli, New York, N. Y., on or about August 19, 1927, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Uinto Brand Virgin Imported Olive Oil \* \* \* One Quart Net" (or "Half Gallon Net").

It was alleged in the libel that the article was misbranded in that the statements, "One Quart Net" and "Half Gallon Net," borne on the labels, 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 package.

On July 16, 1928, Leo Crisafulli, New York, N. Y., 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 \$400, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*