

by the Sallisaw Cotton Oil Co., Sallisaw, Okla., and transported in interstate commerce from the State of Oklahoma into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 pounds gross. Standard Choice Cotton Seed Meal or Cake—Chemical analysis: Crude protein 41 to 43 per cent; Crude Fat 6 to 8 per cent; Crude Fiber 8 to 10 per cent—Manufactured by Henson Cotton Oil Mills: Having general sales office 610-11 Live Stock Exchange, Kansas City, Mo."

Adulteration of the product was alleged in the libel for the reason that it had mixed and packed with it a large quantity of cottonseed hulls, which said cottonseed hulls had been so mixed and packed with it as to become substituted for choice cottonseed meal and so as to reduce, lower, and injuriously affect the quality and strength of said food product. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, each of the sacks bearing a label upon which appeared a statement, design, and device regarding the ingredients and the substances contained therein, which said statement, design, and device are false and misleading in that on said label there was declared to be 41 to 43 per cent protein in said product, whereas, in truth and in fact, it contained only 38.16 per cent of protein, and said label also purported to declare that the product contained from 8 to 10 per cent of crude fiber, whereas, in truth and in fact, it contained 14.66 per cent crude fiber, and said product was also misbranded in that it was represented to be choice cottonseed meal, when, in truth and in fact, it was not choice cottonseed meal, because it contained an excessive amount of cottonseed hulls.

On June 7, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal after the obliteration and destruction of the tags and labels thereon.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3062. Adulteration of confectionery. U. S. v. 270 Packages of Confectionery. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 5128. S. No. 1755.)

On April 7, 1912, the United States attorney for the Southern 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 for the seizure and condemnation of 270 packages of confectionery, remaining unsold in the original unbroken packages and in possession of John Wyeth & Bro., Cincinnati, Ohio, alleging that the product had been shipped from the State of Pennsylvania into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. One hundred and ten of the packages were labeled: "Compressed Flavored Lozenges—Mint * * * John Wyeth & Brother, Incorporated, Manufacturing Chemists, Philadelphia." Five of these packages were tin cans containing 50 pounds; 5 others were tin cans containing 25 pounds; 10 others were tin cans each containing 10 pounds; 20 others were tin cans each containing 5 pounds; 20 others were glass jars each containing 5 pounds; and 50 others were bottles each containing 1 pound of the product. Seventy-five of the packages were labeled: "Compressed Flavored Lozenges Wintergreen—Guaranteed by us to comply with The Food and Drugs Act, June 30, 1906. Serial No. 9. John Wyeth & Brother, Incorporated, Manufacturing Chemists, Philadelphia." Ten of these packages were tin cans, each containing 10 pounds; 20 were tin cans, each containing 5 pounds; 20 were glass jars, each containing 5 pounds; and 25 were bottles, each containing 1 pound of this product. Eighty-five of the packages were labeled: "Peppermint—Singer—5¢."

Adulteration of the product was alleged in the libel for the reason that the confectionery contained talc, that is to say, the confectionery in the packages labeled

"Compressed Flavored Lozenges—Mint * * *," and the confectionery in said packages labeled "Peppermint—Singer—5¢," all contained 4 per cent of talc, and the confectionery in the packages labeled "Compressed Flavored Lozenges Winter-green * * *" contained 4.28 per cent of talc.

On November 13, 1913, John Wyeth & Bro. (Inc.), claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3063. Adulteration and misbranding of feed barley. U. S. v. 3 Carloads of Feed Barley. Decree of condemnation by consent. Product ordered sold or released on bond. (F. & D. No. 5130. S. No. 1754.)

April 18, 1913, 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 libels for the seizure and condemnation of three carloads of feed barley remaining unsold in the original unbroken packages and in the possession of the Chicago & Northwestern Railway Co., at its Wood Street freight yards, Chicago, Ill., alleging that the product had been shipped on March 28, 1913, by the H. Poehler Co., Minneapolis, Minn., and transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that certain substances known as screenings, weed seeds, and barley needles had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that certain substances known as screenings, weed seeds, and barley needles had been substituted in part for the product. Misbranding was alleged for the reason that the product was offered for sale and sold as "feed barley," whereas, in truth and in fact, certain substances, to wit, screenings, weed seeds, and barley needles had been added to the product in imitation of genuine "feed barley," and for the further reason that certain substances, to wit, screenings, weed seeds, and barley needles had been mixed with the feed barley and offered for sale under the distinctive name of an article of food, to wit, genuine "feed barley."

On April 18, 1913, said H. Poehler Co., claimant, having admitted the allegations in the libels and consented to the decree and the court having read and considered the libels and having heard the arguments of counsel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, or, in lieu thereof, that it should be surrendered and delivered to said claimant upon payment of all costs of the proceedings and execution of bond in the sum of \$3,000, in conformity with section 10 of the act, and conditional that the substances known as screenings, weed seeds, and barley needles should be recovered from the product.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3064. Adulteration and misbranding of vanilla extract. U. S. v. 1 Keg of Vanilla Extract. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5131. S. No. 1753.)

On April 9, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 keg containing 10 gallons of a product purporting to be pure vanilla extract, remaining unsold in the original unbroken package, and in possession of the Indianapolis Creamery, Indianapolis, Ind., alleging that the product had been transported from the State of Missouri