

fancy, or Yellow Newtons, extra fancy, respectively, and were not packed or shipped by the Apple Growers Union, Underwood, Washington.

On December 9, 1913, the case having come on for hearing, it was ordered by the court, upon motion of the assistant United States attorney, that the product should be released and delivered to the said Eugene Kuhne, claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, conditioned that the said apples should not be sold or disposed of except in accordance with the laws of any State, Territory, District, or insular possession of the United States.

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

WASHINGTON, D. C., June 8, 1914.

3243. Misbranding of macaroni product. U. S. v. 100 Boxes of Macaroni Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5511. S. No. 2075.)

On January 8, 1914, the United States attorney for the Eastern District of Pennsylvania, 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 100 boxes, each containing 25 pounds, more or less, of macaroni product, remaining unsold in the original unbroken packages at 902 South Seventh St., and elsewhere, Philadelphia, Pa., alleging that the product had been shipped on or about December 22, 1913, and transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "White Star of Italy Gragnano style near Napoli (picture of star) (picture of factory) Trade mark Manufactured by Antonio Ciricola Artificial Coloring Guaranteed by the Pure Food Act June 30th, 1906. Serial No. 52687"

Misbranding of the product was alleged in the libel for the reason that it was labeled so as to deceive and mislead the purchaser, in that the boxes containing the article of food each bore a label as set forth above, the words "Gragnano" and "Napoli" being in large and conspicuous letters, and the words "style near" being in small and inconspicuous letters, so that the purchaser would be deceived and misled into believing that said article was made at Gragnano near the city of Naples in the kingdom of Italy, whereas, in truth and in fact, the said article of food was not made at Gragnano near the city of Naples in the kingdom of Italy, but had been produced in the city of Wilmington, in the State of Delaware, in the United States of America. Misbranding was alleged for the further reason that the product was labeled so as to purport to be a foreign product when not so, in that each of said boxes bore a label in character as aforesaid, by virtue of which the said article purported to have been made at Gragnano near the city of Naples, in the kingdom of Italy, whereas, in truth and in fact, the said article had not been made at Gragnano, near the city of Naples, in the kingdom of Italy, but had been produced in the city of Wilmington, in the State of Delaware, in the United States of America. Misbranding was alleged for the further reason that the label on each of the boxes containing the article of food bore a statement, to wit, "Guaranteed by the Pure Food Act June 30th, 1906," which said statement was false and misleading in this particular, to wit, in that the purchaser would be deceived and misled into believing that the pureness and origin of the said article of food were guaranteed by the United States Government instead of being guaranteed by the manufacturers of the same under the provisions of the Pure Food Act of June 30, 1906, whereas, in truth and in fact, the pureness and origin of said article of food were guaranteed only by the manufacturers of the same under the provisions of said act.

On February 9, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property should be destroyed by the United States marshal.

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

WASHINGTON, D. C., *June 8, 1914.*

3244. Adulteration and misbranding of dandelion root. U. S. v. 3 Bags of a Product Purporting to be Dandelion Root. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5539. S. No. 2081.)

On or about January 14, 1914, the United States attorney for the Southern District of New York, 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 3 bags containing 310 pounds of a product purporting to be dandelion root, remaining unsold in the original unbroken packages in the possession of Lawrence, Son & Gerrish, New York, N. Y., alleging that the product had been shipped on or about September 27, 1913, by Smith, Kline & French Co., Philadelphia, Pa., and transported in interstate commerce from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. One of the bags was identified by the marks "S. K. and F. Co. 45642 Philadelphia," and by the marks "J. L. H. 2"; the second of said bags was identified by the marks "S. K. & F. Co. 45636 Philadelphia" and "J. L. H. No. 3"; the third of said bags was identified by the marks "S. K. & F. Co. 45639 Philadelphia" and "J. L. H. No. 4," each of said bags bearing the words "Dandelion Root."

Adulteration of the product was alleged in the libel for the reason that it was offered for sale as dandelion root, when, in fact, it contained in substantial part chicory, which was substituted for dandelion root. Misbranding was alleged for the reason that said product was offered for sale under the name of another article, that is to say, said product was offered for sale as prime dandelion root, when, in fact, it contained in substantial part chicory.

On February 2, 1914, 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 destroyed by the United States marshal.

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

WASHINGTON, D. C., *June 8, 1914.*

3245. Adulteration and misbranding of cottonseed feed meal. U. S. v. 700 Sacks of Cottonseed Feed Meal. Consent decree. Product released on bond. (F. & D. No. 5557. S. No. 2096.)

On January 28, 1914, the United States attorney for the Middle District of Alabama, 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 700 sacks, each containing 100 pounds of cottonseed feed meal, remaining unsold in the original unbroken packages and in the freight warehouse of the Louisville & Nashville R. R. Co., at Montgomery, Ala., alleging that the product had been shipped by the Memphis Mfg. Co., Memphis, Tenn., 300 of the sacks on December 11, 1913, consigned to W. D. Stegall, and 400 sacks on December 18, 1913, consigned to the Winter-Loeb Gro. Co., both of Montgomery, Ala., and transported from the State of Tennessee into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Pounds Imperial Brand Cotton Seed Feed Meal for stock feed only Manufactured by Memphis Manufacturing Co., Memphis, Tenn. Mixture of Cotton Seed Meal and Hull Bran Guaranteed Analysis: Protein 22% Fat 5% Fibre 22% Carbohydrates 38%."