

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%."

It was alleged in the libel that the product was adulterated and misbranded in that it was largely deficient in the principal and valuable ingredients of animal food, in this, that it contained a smaller percentage of protein than it was branded to contain; that it contained a smaller percentage of fat than it was branded to contain; which two constituents of animal food were material and valuable, and that said cottonseed feed meal contained a larger percentage of fiber than it was branded to contain, which said constituent of animal food was not a valuable constituent of animal food entering into the composition or manufacture of said cottonseed feed meal, and said cottonseed feed meal was adulterated in that it contained a larger percentage of fiber than it was branded to contain, and a smaller percentage of fat than it was branded to contain. It was further alleged in the libel that 300 sacks of the product were misbranded in that they did not contain protein, 22 per cent, fat, .05 per cent [5 per cent (?)], fiber, 22 per cent, but that they did contain, to wit, protein, 19.75 per cent, fat, 3.87 per cent, and fiber, 27.67 per cent, and, further, that the 400 sacks of the product were misbranded in that they did not contain protein, 22 per cent, fat, .05 per cent [5 per cent (?)], fiber, 22 per cent, but that they contained, to wit, protein, 20.75 per cent, fat, 4.36 per cent, and fiber, 25.15 per cent.

On January 31, 1914, Charles E. Mitchell, claimant, having confessed the allegations in the libel, and the matter being submitted for final decree, and it appearing to the court that the product was not of a poisonous or deleterious character, was not adulterated, but was only misbranded in the matter of the correct percentage of the constituent elements of the product, and said claimant proposing to give bond in accordance with section 10 of the Food and Drugs Act, and the bond having been executed and approved, it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

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

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

3246. Adulteration and misbranding of oysters. U. S. v. 150 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5572. S. No. 2101.)

On February 4, 1914, the United States attorney for the District of Minnesota, 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 150 cases, each containing 24 cans of oysters, remaining unsold in the original unbroken packages upon the premises of the Kedney Warehouse Co., Minneapolis, Minn., alleging that the product had been shipped on December 6, 1913, by the Sea Food Co., Biloxi, Miss., and transported from the State of Mississippi into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Serv-us—Slockum Bergren, Minneapolis." (On cans) "Trade Serv-us Mark Brand Registered Oysters Serv-us Pure Food Company, New York and Chicago. Distributors. Guaranteed by Serv-us Pure Food Company under the Food and Drugs Act June 30, 1906. Serial No. 38251. * * * Net Weight 4 oz."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed with said oysters in such a manner as to reduce or lower the quality and strength thereof; and, further, that a substance, to wit, water, had been substituted in part for the article, to wit, oyster meat. Misbranding of the product was alleged for the reason that said retail packages were labeled and branded in such a manner as to represent that each of said retail packages, or cans, contained 4 ounces net weight of