

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

oyster meat, whereas, in truth and in fact, each of said retail packages contained a much less quantity, to wit, 3.41 ounces of oyster meat, said retail packages being so labeled and branded as to deceive and mislead the purchaser thereof.

On February 12, 1914, the Tooker-O'Brien Co., St. Paul, Minn., 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 delivered to said claimant upon payment of the costs of the proceeding and the execution of bond in the sum of \$250 in conformity with section 10 of the act.

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

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

3247. Adulteration and misbranding of butter. U. S. v. John Nacos. Plea of guilty. Fine, \$10. (F. & D. No. 196-c.)

On December 8, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court in the District aforesaid against John Nacos, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on October 23, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. The product bore no label. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for the butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On December 8, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

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

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

3248. Adulteration and misbranding of butter. U. S. v. Charles G. Georgean. Plea of guilty. Fine, \$10. (F. & D. No. 197-c.)

On November 24, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court in the District aforesaid against Charles G. Georgean, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on October 22, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. The product bore no label. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for the butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On November 24, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

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

3249. Adulteration and misbranding of butter. U. S. v. William M. Burt. Plea of guilty. Fine, \$10. (F. & D. No. 198-c.)

On December 3, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court in the District aforesaid against William M. Burt, Washington, D. C., alleging