

Misbranding of the article was alleged in that the label was so designed and devised as to lead the public to believe that the article was a compound of olive oil, whereas, in truth and in fact, it contained only cottonseed oil and no olive oil whatsoever. Further misbranding was alleged in that it was offered for sale under the distinctive name, a compound of olive oil, whereas, in truth and in fact, it contained only cottonseed oil.

On December 12, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8381. Adulteration and misbranding of sauerkraut. U. S. * * * v. 285 Cases, More or Less, of Sauerkraut. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 10080. I. S. No. 11370-r. S. No. C-1166.)

On May 6, 1919, 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 285 cases of sauerkraut, at Columbus, Ohio, consigned on or about January 30, 1919, by the Scottsburg Canning Co., Scottsburg, Ind., alleging that the article was transported from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the average contents of the cans consisted of 23.4 ounces, or 70.1 per cent of drained kraut, and 10 ounces, or 29.9 per cent of liquor.

Adulteration of the article was alleged in the libel in that the article contained an average of 23.4 ounces of drained kraut, the balance being water, whereas it should have contained 28 ounces of drained kraut. Further adulteration was alleged in that the product had brine in excess of that contained in commercial sauerkraut, which had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding of the article was alleged in that the statement "Fancy Grade Sauerkraut," on the label on the article, was false and misleading and deceived and misled the purchaser by representing the product to be commercial sauerkraut, whereas it was sauerkraut and liquor in excess of the amount present in commercial sauerkraut.

On July 31, 1919, the Scottsburg Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation, and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the payment of the costs of the proceedings and the filing of a bond in the sum of \$500, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8382. Adulteration and misbranding of alleged gelatin. U. S. * * * v. 1 Drum Containing a Product Purporting to be Gelatin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10160. I. S. No. 11369-r. S. No. C-1202.)

On May 6, 1919, 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