

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 15, 1921, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10297. Misbranding of molasses. U. S. * * * v. 60 Cases and 80 Cases of Canned Molasses * * * Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14950. I. S. Nos. 10852-t, 10853-t. S. No. W-951.)

On May 23, 1921, the United States attorney for the Northern District of California, 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 140 cases of canned molasses, remaining in the original unbroken packages at San Francisco and Oakland, Calif., respectively, alleging that the article had been shipped by the Alexander Molasses Co., Stock Yards, Cincinnati, Ohio, October 4, 1920, and transported from the State of Ohio into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, respectively: (Large can) "Dove Brand White Label New Orleans Molasses No. 10 Can Contains 9 Lbs. 3 Oz. Avd. * * * Alexander Molasses Company, General Offices Chicago"; (small can) "Dove Brand * * * Contains 4 Lbs. 10 Oz. Avd. * * *"

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measurement, since the amount declared was not correct.

On June 23, 1921, P. M. Riley & Co., San Francisco, Calif., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that the said product be relabeled, respectively, "Net Contents 7 Lbs. 15 Ounces" and "Net Contents 4 Lbs. 3 Ounces."

C. F. MARVIN, *Acting Secretary of Agriculture.*

10298. Misbranding of Wesson oil. U. S. * * * v. 300 Cases of Wesson Oil. Consent decree entered for the release of the product under bond. (F. & D. No. 15621. I. S. No. 9315-t. S. No. E-3623.)

On or about November 25, 1921, the United States attorney for the Southern District of Florida, 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 300 cases, each containing 12 cans, of Wesson oil, remaining in the original unbroken packages at Jacksonville, Fla., consigned by the Southern Cotton Oil Co., Savannah, Ga., alleging that the article had been shipped from Savannah, Ga., on or about August 30, 1921, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Wesson Oil * * * 1 Quart Net The Southern Cotton Oil Co. * * *"

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing on the cans, to wit, "1 Quart Net," was false and misleading and deceived and misled the purchaser, since the said cans did not contain one quart net of the said article but did contain less than that amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement purporting to indicate the quantity was not correct.

On December 8, 1921, the Southern Cotton Oil Co., Savannah, Ga., claimant, having consented to a decree and having executed a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the said claimant either empty and destroy the cans containing the product, or re-mark the said cans so as to correctly show the quantity of oil contained therein, or refill the said cans so that they would contain the quantity of oil which the label thereon indicated, judgment of the court was entered ordering the release of the product to the said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*