

Apple" (or "Pineapple-Apple," "Peach-Apple," or "Damson-Apple") "Contents 12 Ozs. Prepared By S. J. Van Lill Co., Baltimore, Md."

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the label of the jars containing the said article, to wit, "Contents 12 Ozs.," was false and misleading and deceived and misled the purchaser in that the contents of the said jars was less than 12 ounces. 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, to wit, "Contents 12 Ozs.," was incorrect.

On March 9, 1923, 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.

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

**11407. Misbranding and alleged adulteration of canned oysters. U. S. v. 59 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17015. I. S. No. 7787-v. S. No. W-1248.)**

On December 7, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 59 cases of canned oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Dunbar-Dukate Co., New Orleans, La., September 16, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Eagle Brand Cove Standard Oysters Packed by Dunbar-Dukate Co. New Orleans, La. Biloxi, Miss. Net Contents 5 Oz. Oyster Meat."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the cans containing the article, "Net Contents 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser. 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.

On February 20, 1923, the Dunbar-Dukate Co., Inc., having entered an appearance as claimant for the property and having confessed judgment, a decree of condemnation and forfeiture was entered on the ground that the product was misbranded, 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

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

**11408. Misbranding and alleged adulteration of canned oysters. U. S. v. 84 Cases and 49 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17039. I. S. Nos. 7797-v, 7798-v. S. No. W-1257.)**

On December 16, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 133 cases of oysters at Tacoma, Wash., alleging that the article had been shipped by the Dunbar-Dukate Co., from New Orleans, La., March 8, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Cans) "Pelican Brand Cove Oysters Packed by Dunbar-Dukate Co. New Orleans, La. Biloxi, Miss. Net Contents 8 Ounces Oyster Meat." The remainder of the article was labeled in part: (Cans) "Blue Jay \* \* \* Oysters Packed By Dunbar-Dukate Co. \* \* \* Net Contents 4 Ounces Oyster Meat."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Net Contents 8 Ounces" and "Net Contents 4 Ounces," appearing on the labels of the respective-sized cans, were false and misleading and deceived and misled the purchaser. 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 packages.

On January 13, 1923, the Dunbar-Dukate Co., Inc., New Orleans, La., and Biloxi, Miss., having appeared as claimant for the property and having confessed judgment, a decree of condemnation and forfeiture was entered on the ground that the product was misbranded, 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 deposit of a certified check in the sum of \$870, in lieu of the bond provided for by section 10 of the act, conditioned that the said product be relabeled under the supervision and to the satisfaction of this department.

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

**11409. Adulteration of walnut meats. U. S. v. 10 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 17149. I. S. No. 8151-v. S. No. W-1279.)

On or about January 15, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of walnut meats, remaining in the original unbroken packages at Denver, Colo., consigned by the Sanitary Nut Shelling Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about December 12, 1922, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Order Sanitary Nut Shelling Co. \* \* \* Denver, Colo. Dark Amber 50 Lbs. Net."

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

On March 26, 1923, 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 destroyed by the United States marshal.

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

**11410. Adulteration and misbranding of cottonseed meal and misbranding of cottonseed feed. U. S. v. Planters Oil Co., a Corporation. Pleas of nolo contendere. Fine, \$150.** (F. & D. Nos. 9756, 12288. I. S. Nos. 2593-p, 17776-r.)

On July 22, 1919, and December 10, 1921, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Planters Oil Co., a corporation, Albany, Ga. alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 14, 1917, from the State of Georgia into the State of Florida, of a quantity of cottonseed feed which was misbranded, and on or about October 16, 1918, from the State of Georgia into the State of Massachusetts, of a quantity of cottonseed meal which was adulterated and misbranded. The articles were labeled in part, respectively: "'Planco' Brand Cotton Seed Feed Manufactured by Planters Oil Co. Albany, Ga. Analysis: Protein, (6.25 times Nitrogen) 20% \* \* \* Fibre 22% \* \* \* Made exclusively from High Grade Cotton Seed Meal and Bolted Hull Bran;" "Danish Brand Cotton Seed Meal Guaranteed Analysis \* \* \* Protein 36.00% \* \* \* Crude Fibre 15.00% \* \* \* Equivalent Nitrogen 5.75% Made from Pressed Cotton Seed."

Analysis of a sample of the cottonseed feed by the Bureau of Chemistry of this department showed that it contained 17.8 per cent of protein, 29.2 per cent of crude fiber, and at least 66.5 per cent of cottonseed hulls. Analysis of a sample of the cottonseed meal by the said bureau showed that it contained 33.75 per cent of protein, 15.50 per cent of crude fiber, and at least 33 per cent of cottonseed hulls.

Adulteration of the cottonseed meal was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for cottonseed meal, which the said article purported to be.

Misbranding was alleged with respect to both products for the reason that the statements, to wit, "Protein \* \* \* 20% \* \* \* Fibre 22%" and