

in the original unbroken packages at Jacksonville, Fla., consigned by the Central Oil & Fertilizer Co., Valdosta, Ga., alleging that the article had been shipped from Valdosta, Ga., on or about October 31, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Prosperity Brand Cottonseed Meal \* \* \* 100 lbs. Net Manufactured By Central Oil & Fertilizer Co. Home Office, Macon, Georgia Guarantee Protein \* \* \* 36.00 \* \* \* Ammonia 7.00."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and ammonia had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding of the article was alleged for the reason that it was labeled, "Prosperity Brand Cottonseed Meal \* \* \* Guarantee Protein \* \* \* 36.00 \* \* \* Ammonia 7.00," which statement was false and misleading and deceived and misled the purchaser, since the said article was deficient in protein and ammonia.

On March 13, 1923, the Central Oil & Fertilizer Co., Macon, Ga., claimant, having admitted the allegations of the libel and 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 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11885. Adulteration of shell eggs. U. S. v. Louis E. Eirenberg. Plea of guilty. Fine, \$5.** (F. & D. No. 17422. I. S. No. 5810-v.)

On August 24, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis E. Eirenberg, Osmond, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 14, 1922, from the State of Nebraska into the State of Iowa, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From L. E. Eirenberg Osmond Neb."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 66, or 6.1 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, heavy blood rings, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed animal substance.

On September 25, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11886. Adulteration and misbranding of sauerkraut. U. S. v. W. H. Killian Co., a Corporation. Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 17531. I. S. Nos. 237-v, 238-v, 319-v, 1540-v, 2134-v, 2589-v.)

On September 28, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. H. Killian Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments between the dates of November 18 and December 11, 1922, from the State of Maryland into the States of New Jersey, Pennsylvania, Rhode Island, and New York, respectively, of quantities of sauerkraut which was adulterated and misbranded. The article was labeled in part: (Can) "Killian's Quality \* \* \* Sauer Kraut \* \* \* Packed By W. H. Killian Co. Baltimore, U. S. A."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it contained excessive brine.

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

Misbranding was alleged for the reason that the statement, to wit, "Sauer Kraut," borne on the cans containing the article, regarding the said article

and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article consisted wholly of sauerkraut, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of sauerkraut, whereas, in truth and in fact, it did not consist wholly of sauerkraut but did consist in part of excessive brine.

On September 28, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11887. Adulteration of oranges. U. S. v. 372 Boxes of Oranges. Product ordered sold. Default decree entered forfeiting proceeds.** (F. & D. No. 17544. I. S. No. 1145-v. S. No. E-4403.)

On May 22, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information against 372 boxes of oranges, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by W. E. Lee & Co., Inc., from Lake Garfield, Fla., on or about May 1, 1923, and transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Good Nature Oranges \* \* \* W. E. Lee \* \* \* Plant City, Fla. Valencia Golden Contents 1½ Bushel."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, inedible, tree-dried oranges, had been substituted in whole or in part for oranges, which the product purported to be.

On June 1, 1923, the product was sold by the United States marshal as perishable property, and on September 6, 1923, no claimant having appeared, a decree of the court was entered forfeiting the proceeds of the sale to the Government.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11888. Adulteration of shell eggs. U. S. v. Farmers Union Cooperative Assoc., a Corporation. Plea of guilty. Fine, \$5.** (F. & D. No. 17600. I. S. No. 3852-v.)

On August 24, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Union Cooperative Assoc., a corporation, Carroll, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 6, 1922, from the State of Nebraska into the State of Iowa, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Farmers Union Co-Op. Assn. Carroll, Nebr."

Examination by the Bureau of Chemistry of this department of 900 eggs from the consignment showed that 112, or 12.44 per cent of those examined, were inedible eggs, consisting of black rots, spot rots, mixed rots, moldy eggs, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On September 25, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11889. Adulteration of grapefruit. U. S. v. 1 Carload of Grapefruit. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17840. I. S. No. 785-v. S. No. E-4500.)

On October 1, 1923, the United States attorney for the Eastern District of Pennsylvania, 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 1 carload of grapefruit at Philadelphia, Pa., consigned by F. C. Armstrong, Palmetto, Fla., alleging that the article had been shipped from Palmetto, Fla., on or about September 27, 1923, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "I. E. Springstead & Son Palmetto, Fla. Lion Brand Contents 1 3/5 Bushel."

Adulteration of the article was alleged in the libel for the reason that immature grapefruit, artificially colored, had been mixed and packed with and