

**11924. Adulteration and misbranding of canned corn. U. S. v. 325 Cases of Canned Corn. Default decree entered ordering product sold for stock feed.** (F. & D. No. 17501. I. S. No. 3432-v. S. No. E-4384.)

On May 14, 1923, 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 praying the seizure and condemnation of 325 cases of canned corn, at Jacksonville, Fla., alleging that the article had been shipped by C. W. Baker & Sons, from Middletown, Del., on or about October 19, 1922, and transported from the State of Delaware into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Morning Star \* \* \* Sugar Corn."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, scrapings from corncobs, 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. Adulteration was alleged for the further reason that the article consisted in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was labeled, "Sugar Corn," and bore a design showing whole ears of corn, which said statement and design were false and misleading and deceived and misled the purchaser, since the said article consisted in part of corncob scrapings. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, sugar corn.

On November 3, 1923, no claimant having appeared for the property, a decree of the court was entered adjudging the product to be subject to condemnation and ordering that it be sold for stock feed.

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

**11925. Adulteration of evaporated apples. U. S. v. 269 Boxes of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed.** (F. & D. No. 17548. I. S. No. 9633-v. S. No. C-3988.)

On May 29, 1923, the United States attorney for the Northern District of Illinois, 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 269 boxes of evaporated apples, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the C. C. Hall Co., from Brighton, N. Y., March 9, 1923, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance, to wit, incompletely evaporated apples, had been substituted wholly or in part for the said article.

On November 14, 1923, the C. C. Hall Co., Brighton, N. Y., claimant, having admitted the material 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 bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

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

**11926. Adulteration and misbranding of cottonseed meal. U. S. v. 160 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 17553. I. S. No. 9002-v. S. No. E-4406.)

On June 4, 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 praying the seizure and condemnation of 160 sacks of cottonseed meal, at Greenfield, Mass., alleging that the article had been shipped by the Buckeye Cotton Oil Co., from Indianapolis, Ind., on or about March 20, 1923, and transported from the State of Indiana into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in protein and containing excessive crude fiber 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 was alleged for the reason that the article was labeled, "Paramount Brand \* \* \* Good Cotton Seed Meal Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% \* \* \* Crude Fibre (maximum) 14.00% \* \* \* Ingredients: Made from upland cotton seed," which statements were false and misleading and deceived and misled the purchaser in that they represented that the said article was cottonseed meal containing not less than 36 per cent of protein and not more than 14 per cent of crude fiber, whereas, in truth and in fact, it was a product containing less than 36 per cent of protein and more than 14 per cent of crude fiber. Misbranding was alleged for the further reason that the article was a product low in protein and containing excessive crude fiber and was offered for sale and sold under the distinctive name of another article, to wit, cottonseed meal.

On November 5, 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.*

**11927. Adulteration and misbranding of cottonseed meal. U. S. v. 200 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17583. I. S. No. 436-v. S. No. E-4415.)**

On July 2, 1923, the United States attorney for the Southern District of New York, 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 200 sacks of cottonseed meal, at Poughkeepsie, N. Y., consigned on or about January 6, 1923, alleging that the article had been shipped by J. B. Lovitt & Co., Greenwood, Miss., and transported from the State of Mississippi into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sun Brand Cotton Seed Meal \* \* \* Guaranteed Analysis Protein 36.00% \* \* \* Crude Fibre 15.00% \* \* \* Equivalent Nitrogen 5.75% Made from Pressed Cottonseed."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein (nitrogen) and containing excessive crude fiber had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the following statements regarding the article and the ingredients and substances contained therein, "Cotton Seed Meal \* \* \* Guaranteed Analysis Protein 36.00% \* \* \* Crude Fibre 15.00% \* \* \* Equivalent Nitrogen 5.75% Made from Pressed Cottonseed," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 26, 1923, Wm. T. Reynolds & Co., Inc., Poughkeepsie, N. Y., 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 bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department as "Cottonseed Feed," with a statement of the composition, "Protein 33 per cent, Crude Fibre 16 per cent, Equivalent Nitrogen 5.28 per cent," and that the statement, "Made from Pressed Cottonseed," be entirely eliminated.

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

**11928. Adulteration and misbranding of olive oil. U. S. v. 1 Barrel of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17588. I. S. No. 10601-v. S. No. E-4410.)**

On June 23, 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 praying the seizure and condemnation of 1 barrel of olive oil, remaining in the original unbroken package at Lynn, Mass., alleging that the article had been shipped