

12460. Adulteration and misbranding of linseed oil meal. U. S. v. 80 Sacks of Linseed Oil Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18718. I. S. No. 13711-v. S. No. E-4855.)

On June 3, 1924, 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 80 sacks of linseed oil meal remaining in the original unbroken packages at Nazareth, Pa., consigned by the Mann Bros. Co., Buffalo, N. Y., alleging that the article had been shipped from Buffalo, N. Y., on or about March 13, 1924, and transported from the State of New York into the State of Pennsylvania, 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 substance low in protein had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the packages containing the article bore the following statements regarding the said article and the ingredients and substances contained therein, "100 Pounds 34% Protein. Pure Old Process Linseed Oil Meal From The Mann Bros. Co. Buffalo, N. Y. Guaranteed Analysis Minimum Protein 34 Minimum Fat 6 Maximum Fiber 10," which were false and misleading in that the said statements represented that the article contained 34 per cent of protein, when in fact it did not.

On July 21, 1924, the Flory Milling Co., Nazareth, Pa., having appeared as claimant for the property, 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 \$50, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12461. Adulteration and misbranding of dairy feed. U. S. v. 32 Sacks of Dairy Feed. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18160. I. S. No. 7193-v. S. No. C-4227.)

On December 14, 1923, the United States attorney for the Northern District of Alabama, 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 32 sacks of dairy feed at Boyles, Ala., alleging that the article had been shipped by the Mississippi Elevator Co., from Memphis, Tenn., on or about October 19, 1923, and transported from the State of Tennessee into the State of Alabama, and charging adulteration and misbranding, in violation of the food and drugs act as amended. The article was labeled in part: (Tag) "100 Lbs. Net When Sacked Prize Dairy * * * Guaranteed Analysis: Protein Minimum 24.00 * * * Manufactured By Mississippi Elevator Co., Memphis, Tenn."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein had been mixed and packed with and substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statement in the label, "Protein Minimum 24.00," was false and misleading and deceived and misled the purchaser, and 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 July 11, 1924, the Mississippi Elevator Co., 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 \$300, in conformity with section 10 of the act, conditioned in part that the product be properly labeled, particularly with the words "Protein 21½ per cent," and that the sacks be filled to 100 pounds net.

HOWARD M. GORE, *Secretary of Agriculture.*