

* * * Fibre not more than 10.00%." The consignment of December 11, 1922, was labeled in part: (Tag) "Ideal Cotton Seed Meal 100 lbs. net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 43.00% Equivalent to Ammonia 8.35%, * * * Fibre not more than 10.00%."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the consignment of December 4, 1922, contained 38.9 per cent of protein, equivalent to 7.56 per cent of ammonia, the consignment of December 11, 1922, contained 40.25 per cent of protein, equivalent to 7.84 per cent of ammonia, and 10.51 per cent of crude fiber, and the consignment of January 2, 1923, contained 37.06 per cent of protein, equivalent to 7.21 per cent of ammonia, and 11.98 per cent of crude fiber.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Protein not less than 41.00% Equivalent to Ammonia 8.00%," borne on the tags attached to the sacks containing the product consigned December 4, 1922, the statement, to wit, "Protein not less than 43.00% Equivalent to Ammonia 8.35% * * * Fibre not more than 10.00%," borne on the tags attached to the sacks containing the product consigned December 11, 1922, and the statement, to wit, "Protein, not less than 41.00% Equivalent to Ammonia, 8.00% * * * Fibre, not more than 10.00%," borne on the tags attached to the sacks consigned January 2, 1923, were false and misleading in that the said statements represented that the article contained the respective amounts of protein and ammonia declared on the labels, and that a portion thereof contained not more than 10 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the respective amounts of protein and ammonia declared on the labels and that a portion of the said article contained not more than 10 per cent of crude fiber, whereas, in truth and in fact, the said article contained less protein and ammonia than was declared on the respective labels, and the said portion contained more than 10 per cent of crude fiber.

On April 17, 1924, the court having determined that the allegations of the information were true, it was adjudged by the court that the defendant company pay a penalty of \$45.

HOWARD M. GORE, *Secretary of Agriculture.*

12553. Adulteration of shell eggs. U. S. v. Smith German. Plea of guilty. Fine, \$25. (F. & D. No. 18309. I. S. No. 699-v.)

At the January, 1924, term of the United States District Court within and for the Eastern District of Virginia, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against Smith German, The Plains, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 26, 1923, from the State of Virginia into the District of Columbia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 2,880 eggs from the consignment showed that 181, or 6.3 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

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

On July 7, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12554. Adulteration of chili sauce. U. S. v. 396 Cases of Chili Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18490. I. S. No. 12157-v. S. No. W-1496.)

On March 13, 1924, 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 praying the seizure and condemnation of 396 cases of chili sauce, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from Provo, Utah, on or about February 13, 1924, and transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part:

(Bottle) "Goddard's Extra Chili Sauce * * * Goddard Packing Company, Ogden, Salt Lake City and Provo, Utah."

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 August 12, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12555. Misbranding of ground beef scrap. U. S. v. 150 Sacks of Ground Beef Scrap. Decree ordering release of product under bond. (F. & D. No. 18454. I. S. No. 10599-v. S. No. E-4771.)

On or about March 15, 1924, 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 a libel praying the seizure and condemnation of 150 sacks, more or less, of ground beef scrap, consigned on or about January 23, 1924, remaining in the original unbroken packages at Denton, Md., alleging that the article had been shipped by M. L. Shoemaker & Co. (Inc.) from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bag) "100 Lbs Shoemaker's Swift-Sure * * * Ground Beef Scrap * * * Manufactured By M. L. Shoemaker & Co Incorporated Philadelphia Pa Guaranteed Analysis Protein 55 65%."

Misbranding of the article was alleged in the libel for the reason that the statement, "Guaranteed Analysis Protein 55 65%," appearing on the labels, was false and misleading and deceived and misled the purchaser in that the said statement represented that the said article contained from 55 to 65 per cent of protein, whereas, in truth and in fact, it contained a less amount.

On April 1, 1924, M. L. Shoemaker & Co. (Inc.), Philadelphia, Pa., having appeared as claimant for the property, judgment of the court was entered, ordering 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 \$900, in conformity with section 10 of the act, conditioned in part that it be relabeled to the satisfaction of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12556. Adulteration and misbranding of oats. U. S. v. 300 Sacks of Oats. Decree of condemnation. Alternate order entered, providing for sale of product or release under bond to claimant. (F. & D. No. 18601. I. S. No. 18037-v. S. No. E-3917.)

On April 19, 1924, the United States attorney for the Western District of North Carolina, 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 300 sacks of oats at Greensboro, N. C., alleging that the article had been shipped by Callahan & Sons, Louisville, Ky., April 12, 1924, and transported from the State of Kentucky into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Callahan's Electric White Oats Bleached."

Adulteration of the article was alleged in the libel for the reason that a substance, rye and other grains, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Callahan's Electric White Oats Bleached," was false and misleading and deceived and misled the purchaser in that the article purported to be oats, whereas, in truth and in fact, it was not, but was an admixture of oats, rye, and other grains. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, oats.

On May 7, 1924, a decree of condemnation was entered, and it was ordered by the court that the product be sold by the United States marshal, the decree providing, however, that it might be released to the claimant, Callahan & Sons, Louisville, Ky., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act, conditioned in part that it be relabeled "Oats and Other Grains."

HOWARD M. GORE, *Secretary of Agriculture.*