

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of white oats, when in fact the said sacks contained an admixture consisting of oats and screenings bleached with sulfur dioxide and for the further reason that the designation "White Oats" was false and misleading and deceived and misled the purchaser.

On August 12, 1924, the Farmers Warehouse Co., Oxford, Miss., claimant, having consented to abide by the ruling of this department in reconditioning the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, for reconditioning and relabeling, upon the execution of a bond in the sum of \$775 and payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12576. Misbranding of Eggsave. U. S. v. 40 Dozen Cartons of Eggsave. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18627. I. S. No. 11734-v. S. No. W-1503.)

On April 26, 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 40 dozen cartons of Eggsave remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the Heinrich Chemical Co., from Minneapolis, Minn., October 27, 1923, and transported from the State of Minnesota into the State of California, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Eggsave * * * Prepared only by Duchess Laboratories Minneapolis, Minn. * * * Artificially Colored Guaranteed to comply with all Pure Food Laws."

Misbranding of the article was alleged in the libel for the reason that the designation "Eggsave" and the statements, "Takes The Place Of Expensive Eggs in Baking and Cooking," "'Eggsave' is a pure food product which may be used instead of eggs in all baking and cooking," "One box of 'Eggsave' takes the place of three dozen eggs," "This box contains sufficient 'Eggsave' to take the place of three dozen expensive fresh eggs," and "For each egg called for in recipe use one Level teaspoonful of 'Eggsave,'" appearing in the labeling, were false and misleading and deceived and misled the purchaser.

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.*

12577. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18272. I. S. No. 13705-v. S. No. E-4720.)

On January 23, 1924, the United States attorney for the Middle 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 400 sacks of cottonseed meal remaining in the original unbroken packages at Fayetteville, Pa., alleging that the article had been shipped by the International Vegetable Oil Co., from Raleigh, N. C., on or about November 11, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in the libel for the reason that the label bore statements regarding the said article and the ingredients and substances contained therein, to wit, "High Grade Cotton Seed Meal * * * Guaranteed Analysis Protein not less than 41.12% Equivalent to Ammonia 8.00%," which were false and misleading and deceived and misled the purchaser in that the said article contained less than 41 per cent of protein, equivalent to 8 per cent of ammonia.

On March 24, 1924, the Fayetteville Feed & Grain Co., Fayetteville, 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*