

**13046. Misbranding and alleged adulteration of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. No. 19087. I. S. No. 2473-v. S. No. E-4996.)

On October 28, 1924, the United States attorney for the Western 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 500 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., consigned by L. B. Lovitt & Co., Hazlehurst, Miss., alleging that the article had been shipped from Hazlehurst, Miss., September 23, 1924, and transported from the State of Mississippi into the State of New York, and charging adulteration in violation of the food and drugs act as amended. The article was labeled in part: "100 Pounds Net 'Lovit Brand.'"

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and containing excessive fiber had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the following statement regarding the said article, appearing in the labeling, "100 Pounds Net \* \* \* 43% Cotton Seed Meal \* \* \* Guaranteed Analysis Protein 43.00% \* \* \* Fibre (Maximum) 10.00% Nitrogen (Equivalent to 8.37% Ammonia) 6.88%," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On December 11, 1924, the Hazlehurst Oil Mill & Fertilizer Co., Hazlehurst, Miss., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be released to the 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, and it was further ordered by the court that if the product be sold the sacks be relabeled, "42% protein, 11% fiber, 6.72% nitrogen (equivalent to 8.17% ammonia), 6% fat," and filled to the declared weight.

W. M. JARDINE, *Secretary of Agriculture.*

**13047. Adulteration of shell eggs. U. S. v. Robert T. Blair. Tried to the court and a jury. Verdict of guilty. Fine, \$25.** (F. & D. No. 17938. I. S. No. 5949-v.)

On January 17, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert T. Blair, Timpson, Tex., alleging shipment by said defendant, on or about July 2, 1923, in violation of the food and drugs act, from the State of Texas into the State of Louisiana, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From R. T. Blair \* \* \* Timpson, Texas."

Examination by the Bureau of Chemistry of this department of the 1,080 eggs in the consignment showed that 380 eggs, or 35 per cent of those examined, were inedible, consisting of black rots, mixed or white rots, moldy eggs, spot rots, blood rings, and enlarged embryos.

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 April 10, 1924, the case having come on for trial before the court and a jury, a verdict of guilty was returned, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

**13048. Misbranding of stuffed olives and olives. U. S. v. 4 Cases of Stuffed Olives and 6 Cases of Olives. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18653. I. S. Nos. 12940-v, 12941-v. S. No. E-4829.)

On May 6, 1924, the United States attorney for the District of Connecticut, 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 4 cases of stuffed olives and 6 cases of olives, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by James P. Smith & Co., New York, N. Y., in part on or about March