

ment of condemnation 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 \$100, in conformity with section 10 of the act, and upon the addition of sufficient butter to each pound so that its weight should comply with the statements on the label.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13060. Adulteration of frozen egg yolk. U. S. v. 784 Tins of Frozen Egg Yolk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18536. I. S. No. 13133-v. S. No. E-4774.)

On April 7, 1924, 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 784 tins of frozen egg yolk, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Fairmont Creamery Co., from Spokane, Wash., December 26, 1923, and transported from the State of Washington into the State of New York, and charging adulteration in violation of the food and drugs act.

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

On February 3, 1925, the Fairmont Creamery Co., Spokane, Wash., claimant, having admitted the allegations of the libel and having 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 \$7,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13061. Adulteration of cut stringless beans. U. S. v. 520 Cases of Cut Stringless Beans. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. Nos. 19361, 19362, 19363, 19364, 19365, 19366. I. S. Nos. 22792-v, 22793-v, 22794-v, 22795-v. S. No. C-4559.)

On December 5, 1924, the United States attorney for the Eastern District of Missouri, 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 520 cases of cut stringless beans, remaining unsold in the original packages at St. Louis, Mo., alleging that the article had been shipped by the Litteral Canning Co., Fayetteville, Ark., on or about October 16, 1924, and transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Licano Cut Stringless Beans Packed By Litteral Canning Co. Fayetteville, Ark." The remainder of the said article was labeled in part: "Stringless Beans."

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 January 29, 1925, the Litteral Canning Co., Fayetteville, Ark., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, finding the product liable to condemnation and forfeiture, 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 \$2,000, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13062. Adulteration and misbranding of cottonseed meal. U. S. v. Empire Cotton Oil Co. Plea of guilty. Fine, \$450. (F. & D. No. 18092. I. S. Nos. 3168-v, 3173-v, 3196-v.)

On April 17, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Empire Cotton Oil Co., a corporation, trading at Cordele, Ga., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about October 27, November 20, and November

27, 1922, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal which was adulterated and misbranded. One consignment of the product was labeled in part: (Tag) "Gilt Edge Brand Cotton Seed Meal Manufactured By Empire Cotton Oil Co. Home Office, Atlanta, Ga. Guaranteed Analysis: Protein (6.25 times Nitrogen) 36.00% (Equivalent to Ammonia 7.00%) Fibre 14.00%." Another consignment of the product was labeled in part: (Tag) "Second Class Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 36.00% (Equivalent 7% ammonia) * * * Crude Fibre (maximum) 14.00%." The remaining consignment of the product was labeled in part: (Tag) "Second Class Cotton Seed Meal * * * Guaranteed Analysis 100 lbs. Ammonia (actual and potential) 7.00% (Equivalent to 36% protein)."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the consignment of October 27, 1922, contained 35 per cent of protein, 6.8 per cent of ammonia, and 14.9 per cent of fiber, the consignment of November 20, 1922, contained 34.5 per cent of protein, 6.7 per cent of ammonia, and 14.9 per cent of crude fiber, the consignment of November 27, 1922, contained 35 per cent of protein and 6.8 per cent of ammonia.

Adulteration of the article was alleged in the information for the reason that cottonseed feed had been substituted for cottonseed meal, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Cotton Seed Meal * * * Guaranteed Analysis: Protein (6.25 times Nitrogen) 36.00% (Equivalent to Ammonia 7.00%) Fibre 14.00%," "Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 36.00% * * * Crude Fibre (maximum) 14.00%," and "Cotton Seed Meal * * * Guaranteed Analysis Ammonia (actual and potential) 7.00% (Equivalent to 36% protein)," borne on the tags containing the respective consignments of the product, were false and misleading, in that the said statements represented that the article was cottonseed meal, to wit, a product which should contain not less than 36 per cent of protein, that it contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and that the consignments of October 27 and November 20, 1922, respectively, contained not more than 14 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed meal, to wit, a product which should contain not less than 36 per cent of protein, that it contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and that the consignments of October 27 and November 20, 1922, respectively, contained not more than 14 per cent of crude fiber, whereas the said article was not cottonseed meal, in that it contained less than 36 per cent of protein, and the said consignments of October 27 and November 20, 1922, respectively, contained more than 14 per cent of crude fiber. Misbranding was alleged with respect to the product consigned November 20, 1922, for the further reason that it was a product which contained less than 36 per cent of protein, prepared in imitation of cottonseed meal, a product which should contain not less than 36 per cent of protein, and was offered for sale and sold under the distinctive name of another article, to wit, cottonseed meal.

On January 7, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$450.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13063. Misbranding and alleged adulteration of tomato paste. U. S. v. 46 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19167. I. S. No. 20980-v. S. No. W-1609.)

On November 17, 1924, the United States attorney for the Western District of Washington, 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 46 cases of tomato paste, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Orden Lumber Co., San Francisco, Calif., September 13, 1924, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Pulp Packed By Greco Canning Co. San Jose Cal. * * * Salsa di Pomodoro," (case) "Tomato Sauce."