

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."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste or pulp had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Tomato Pulp" and "Salsa di Pomodoro," borne on the labels, were false and misleading and deceived and misled the purchaser.

On December 15, 1924, the Greco Canning Co., San Jose, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, 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 \$750, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

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

13064. Misbranding and alleged adulteration of tomato paste. U. S. v. 29 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19152. I. S. No. 20978-v. S. No. W-1606.)

On November 14, 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 29 cases of tomato paste, consigned October 8, 1924, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Greco Canning Co., from San Jose, Calif., 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 Sauce Packed By Greco Canning Co. San Jose * * * Cal. * * * Salsa di Pomodoro," (case) "Tomato Pulp."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Salsa Di Pomodoro" were false and misleading and deceived and misled the purchaser.

On December 15, 1924, the Greco Canning Co., San Jose, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, 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 \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

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

13065. Misbranding of poultry feed. U. S. v. 34 Sacks of Poultry Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19414. I. S. No. 21280-v. S. No. E-5070.)

On December 22, 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 34 sacks of poultry feed, remaining in the original unbroken packages at Frederick, Md., consigned about July 22, 1924, alleging that the article had been shipped by the Mutual Rendering 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: (Sack) "Mureco Animal Products 55 Protein * * * Guaranteed Analysis Protein 55% Min. Manufactured By Mutual Rendering Co. Inc. Philadelphia, Pa."

Misbranding of the article was alleged in the libel for the reason that the statements "55 Protein Guaranteed Analysis Protein 55% Min.," appearing in the labeling, were false and misleading and deceived and misled the purchaser, in that they represented that the said article contained 55 per cent of protein, whereas it contained a less amount.