

the District Court of the United States for said district an information against the Purcell Cotton Oil Co., a corporation, Purcell, Okla., alleging shipment by said company, in violation of the food and drugs act, on or about November 23, 1923, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Little Bull Brand Cotton Seed Meal & Cake * * * Guaranteed Analysis Protein 43%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37.5 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Cotton Seed Meal & Cake * * * Guaranteed Analysis Protein 43%," borne on the tags attached to the sacks containing the article, were false and misleading, in that they represented that the article contained 43 per cent of protein, 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 43 per cent of protein, whereas it did not contain 43 per cent of protein but did contain a less amount.

On March 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

13162. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19856. I. S. No. 14101-v. S. No. E-5158.)

On February 17, 1925, the United States attorney for the Eastern 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 11 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Clarks Grove Co-operative Creamery, Clarks Grove, Minn., alleging that the article had been shipped from Clarks Grove, Minn., on or about January 30, 1925, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On March 10, 1925, Ayer & McKinney, Philadelphia, 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 the product be brought into conformity with the law under the supervision of this department.

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

13163. Adulteration of butter. U. S. v. 3 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19855. I. S. No. 21132-v. S. No. W-1673.)

On February 17, 1925, 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 3 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Union Creamery Co., La Grande, Oreg., about January 21, 1925, and transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat content had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was

alleged for the further reason that a valuable constituent, butterfat, had been abstracted from the said article.

On March 5, 1925, the Union Creamery Co., La Grande, Oreg., 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 \$150, in conformity with section 10 of the act, conditioned in part that the product be brought into conformity with the law under the supervision of this department.

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

13164. Adulteration and misbranding of butter. U. S. v. 108 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19838. I. S. No. 13470-v. S. No. E-5138.)

On February 11, 1925, 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 108 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery Assoc., Hull, Iowa, on or about February 1, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 2, 1925, the Farmers Cooperative Creamery Assoc., Hull, Iowa, 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 \$2,750, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, so that it should comply with the law.

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

13165. Adulteration and misbranding of canned tomatoes. U. S. v. 400 Cases and 550 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19420. I. S. Nos. 13213-v, 13214-v. S. No. E-5069.)

On December 23, 1924, the United States attorney for the Northern 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 950 cases of canned tomatoes, at Troy, N. Y., alleging that the article had been shipped by W. E. Robinson, from Laurel, Del., on or about October 9, 1924, and transported from the State of Delaware into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Robinson's Brand Tomatoes * * * Packed For W. E. Robinson & Co., Bel Air, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes," appearing on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On March 7, 1925, the Davis Canning Co., Laurel, Del., 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