

and condemnation of 3,250 jars of strawberry jam and 3,528 jars of raspberry jam, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been shipped by the Hudson Valley Pure Food Co., from Highland, N. Y., December 3, 1924, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "Net Weight 15 Ozs. Ballardvale Pure Strawberry" (or "Raspberry") "Jam Distributed by United Drug Company Boston-St. Louis U. S. A."

Adulteration of the articles was alleged in the libel for the reason that a substance, excessive sugar, 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.

Misbranding was alleged for the reason that the statements "Pure Strawberry Jam" and "Pure Raspberry Jam," appearing in the labelings, were false and misleading and deceived and misled the purchaser, and for the further reason that they were offered for sale under the distinctive names of other articles.

On April 17, 1925, the United Drug Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products 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 they be brought into compliance with the law under the supervision of this department.

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

13294. Adulteration and misbranding of prepared mustard. U. S. v. 12 Cases and 43 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18784. I. S. Nos. 12908-v, 12909-v. S. No. E-4867.)

On June 13, 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 12 cases, containing 8-ounce jars, and 43 cases, containing 16-ounce jars, of prepared mustard, remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Federal Food Products Co., Newark, N. J., on or about May 15, 1924, and transported from the State of New Jersey into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Apex Brand Prepared Mustard—Mustard Bran—Made From Mustard Seed, Pure Spices, Turmeric, Salt And Distilled Vinegar. Importers And Manufacturers Meyer & Carmody Import Co. Inc. N. Y."

Adulteration of the article was alleged in the libel for the reason that mustard bran and turmeric had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance, an imitation mustard, had been substituted wholly or in part for the said article, and for the further reason that it had been colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the labels bore the statement, to wit, "Prepared Mustard Importers And Manufacturers Meyer & Carmody Import Co. Inc. N. Y.," which statement was false and misleading and deceived and misled the purchaser, and in that it was an imitation of or offered for sale under the distinctive name of another article.

On March 28, 1925, 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.

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

13295. Misbranding of cottonseed meal. U. S. v. Terrell Oil & Refining Co. Plea of guilty. Fine, \$100. (F. & D. No. 10232. I. S. No. 10681-v.)

On November 29, 1924, the United States attorney for the Northern 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 the Terrell Oil & Refining Co., a corporation, Terrell, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about September

14, 1923, from the State of Texas into the State of Minnesota, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "43% Protein Cotton Seed Meal Prime Quality Manufactured by Terrell Oil & Refining Co., Inc. Terrell, Texas Guaranteed Analysis: Protein, not less than 43%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.8 per cent of protein.

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

On February 12, 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.*

13296. Misbranding of canned squash. U. S. v. 61 Cases of Canned Squash. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19850. I. S. No. 13926-v. S. No. E-5146.)

On March 4, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 61 cases of canned squash, remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by C. B. Ayars [Canning] Co., from Bridgeton, N. J., January 22, 1925, and transported from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Bridgeton Brand Extra Dry Squash Contents 2 Lbs. 1 Oz. Clinton B. Ayars Canning Co. Bridgeton, N. J."

Misbranding of the article was alleged in the libel for the reason that the statement "Contents 2 Lbs. 1 Oz.," appearing on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 26, 1925, the Clinton B. Ayars Canning Co., Bridgeton, N. J., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

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

13297. Adulteration of frozen eggs. U. S. v. 220 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19908. I. S. No. 14227-v. S. No. E-5179.)

On March 20, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 220 cans of frozen eggs, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Indiana Refrigerating Co., from Indianapolis, Ind., June 18, 1924, and transported from the State of Indiana into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Eggs Prepared By Wm. Locks Co. * * * Indianapolis, Ind."

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

On March 27, 1925, the Goldsmith-Stockwell Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

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