

13811. Adulteration and misbranding of preserves. U. S. v. 109 Cases et al. of Preserves. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19368. I. S. Nos. 18948-v, 18949-v, 18950-v. S. No. C-4554.)

On or about December 30, 1924, the United States attorney for the Southern District of Iowa, 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 289 cases of preserves, remaining in the original unbroken packages at Davenport, Iowa, alleging that the article had been shipped by the Orchard Products Co., from Chicago, Ill., December 2, 1921, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Apple & Strawberry Preserves," "Apple & Black Raspberry Preserves," or "Apple & Red Raspberry Preserves."

Adulteration of the article was alleged in the libel for the reason that a substance, added pectin and added sugar, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Apple & Strawberry Preserves," "Apple & Black Raspberry Preserves," or "Apple & Red Raspberry Preserves," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of another article.

On April 10, 1925, the Orchard Products Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said claimant upon the execution of a bond in the sum of \$500, conditioned in part that it be relabeled in compliance with the law and that if so released the claimant pay the costs of the proceedings.

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

13812. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20381. I. S. No. 5424-x. S. No. E-5483.)

On August 26, 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 3 crates of blueberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by H. L. Black, from South Brooksville, Me., August 20, 1925, and transported from the State of Maine 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 vegetable substance.

On September 18, 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.*

13813. Misbranding of cottonseed meal. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 19668. I. S. Nos. 2365-v, 12313-v, 12318-v.)

On August 4, 1925, the United States attorney for the Western District of Oklahoma, 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 Chickasha Cotton Oil Co., a corporation, trading at Chickasha, Okla., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 1 and December 31, 1923, respectively, from the State of Oklahoma into the State of Kansas, and on or about May 26, 1924, from the State of Oklahoma into the State of New York, of quantities of cottonseed meal which was misbranded. The article was labeled in part: "'Chickasha Prime' Cottonseed Cake or Meal * * * Guaranteed Analysis: Protein not less than 43 per cent * * * Chickasha Cotton Oil Co. Chickasha, Okla."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each shipment showed that it contained 39.78 per cent, 41.36 per cent, and 40.29 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis: Protein not less than 43