

at Winfield, Arkansas City, and Salina, Kansas, respectively, alleging that the article had been shipped by the C. B. Foster Packing Co., from Biloxi, Miss., in various consignments, namely, on or about January 8 and 9 and March 26, 1925, respectively, and transported from the State of Mississippi into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Contents 5 Oz. Avd. Oyster Meat." The remainder of the said article was labeled in part: "Riviera Brand Oysters Contents 5 Oz. Packed By C. B. Foster Packing Co. Biloxi, Miss," or "Pedigree Brand Oysters Packed By C. B. Foster Packing Co. Inc. Biloxi, Miss. Contents 5 Oz.," as the case might be.

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed and packed therewith so as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged for the reason that the statements, "Contents 5 Oz. Avd. Oyster Meat," "Contents 5 Oz.," or "Contents 5 Oz.," as the case might be, borne on the respective labels of the said article, were false and misleading. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 26, 1925, and September 24, 1925, respectively, the C. B. Foster Packing Co., Biloxi, Miss., and McManus-Heryer Brokerage Co., Wichita, Kans., having appeared as claimants for respective portions of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show the true contents.

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

13923. Misbranding and alleged adulteration of vinegar. U. S. v. 35 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15697. I. S. No. 14917-t. S. No. C-3350.)

On December 6, 1921, the United States attorney for the Eastern District of Michigan, 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 35 barrels of vinegar, remaining in the original unbroken packages at Pontiac, Mich., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., October 24, 1921, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Apple Cider Vinegar Made From Selected Apples * * * Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple products had been mixed and packed therewith so as to injuriously affect its quality and had been substituted wholly or in part for apple cider vinegar made from selected apples, which the said article purported to be.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar made from selected apples. Misbranding was alleged for the further reason that the article was labeled "Apple Cider Vinegar Made From Selected Apples," so as to deceive and mislead purchasers, and for the further reason that the statement "Apple Cider Vinegar Made From Selected Apples," borne on the labels, was false and misleading, in that the product contained barium.

On August 4, 1925, the Douglas Packing Co., Syracuse, N. Y., having appeared as claimant for the property 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 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 \$225, in conformity with section 10 of the act.

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

13924. Adulteration of walnut meats. U. S. v. 154 Cases of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20549. I. S. Nos. 742-x, 9579-x. S. No. W-1802.)

On November 2, 1925, the United States attorney for the Northern District of California, 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 154 cases of walnut meats, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Utah Ice & Cold Storage Co., from Salt Lake City, Utah, October 13, 1925, and transported from the State of Utah into the State of California, 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 whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 28, 1925, the American Trading Co., San Francisco, Calif., having appeared as claimant for the property 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 \$2,550, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of this department.

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

13925. Adulteration and misbranding of cottonseed cake. U. S. v. Rule-Jayton Cotton Oil Co. Plea of guilty. Fine, \$25. (F. & D. No. 19623. I. S. Nos. 22004-v, 22007-v.)

On May 25, 1925, 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 Rule-Jayton Cotton Oil Co., a corporation, Stamford, Tex., alleging shipment by said company, under the name of the Stamford Cotton Oil Mill, in two consignments, namely, on or about April 8 and June 24, 1924, respectively, from the State of Texas into the State of Kansas, of quantities of cottonseed cake which was adulterated and misbranded. The article was labeled in part: "43% Protein Cottonseed Cake (Prime Quality) Manufactured by Stamford Cotton Oil Mill Stamford, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent Crude Fat not less than 6.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each shipment showed that it contained 40.44 per cent and 36.69 per cent, respectively, of protein, and the sample from the shipment of April 8 contained 5.9 per cent of crude fat and 14.68 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein, and in the case of the product consigned April 8, 1924, also deficient in fat and containing excessive fiber, had been substituted for the said article.

Misbranding was alleged in substance for the reason that the statements, "43% Protein Cottonseed Cake * * * Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," with respect to both consignments, and the further statements, "Crude Fat not less than 6.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent," with respect to the consignment of April 8, 1924, were false and misleading, in that the said statements represented that the article was cottonseed cake containing 43 per cent of protein and that the product consigned April 8, 1924, contained not less than 6 per cent of fat and not more than 12 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed cake containing 43 per cent of protein and that the product consigned April 8, 1924, contained not less than 6 per cent of fat and not more than 12 per cent of fiber, whereas the said article contained less than 43 per cent of protein, and the product consigned April 8, 1924, contained less than 6 per cent of fat and more than 12 per cent of fiber.

On October 12, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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