

Packed 24 Lbs.," as the case might be, were 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 June 30, 1925, the Austin-Heaton Co., Durham, N. C., having appeared as claimant for the property, an order of the court was entered, providing 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 \$500, conditioned in part that the sacks be filled so as to bring the actual weight to the amount declared on the label.

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

14057. Adulteration and misbranding of evaporated apples. U. S. v. 43 Boxes and 40 Boxes of Evaporated Apples. Consent order for release of product under bond, to be reprocessed. (F. & D. No. 19896. I. S. Nos. 16382-v, 16383-v. S. No. E-5175.)

On March 12, 1925, the United States attorney for the Western District of North Carolina, 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 83 boxes of evaporated apples, at Charlotte, N. C., alleging that the article had been shipped by E. B. Holton, from Webster, N. Y., January 15, 1925, and transported from the State of New York into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "25 Lbs. Evaporated Apples Choice Daisy Brand Ring Packed By E. B. Holton, Webster, N. Y." The remainder of the said article was labeled in part: "50 Lbs. Daisie Brand Choice Wood Dried Evaporated Ring Apples Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Evaporated Apples," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On or about April 10, 1925, E. B. Holton, Webster, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, an order of the court was entered, providing 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, conditioned in part that it be reprocessed and relabeled and made to conform with the law.

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

14058. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18223. I. S. No. 15843-v. S. No. E-4673.)

On December 31, 1923, the United States attorney for the Middle 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 400 sacks of cottonseed meal, remaining in the original unbroken packages at Lebanon, Pa., alleging that the article had been shipped by the Eastern Cotton Oil Co., from Edenton, N. C., on or about November 6, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 41.00%, Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in the libel for the reason that the label bore the statements, to wit, "Perfection Cotton Seed Meal Guarantee Protein not less than 41.00%, Equivalent to Ammonia 8.00," which said statements were false and misleading and deceived and misled the purchaser, in that the said article contained less than 41 per cent of protein.

On September 26, 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 sold by the United States marshal after obliterating the labels on the sacks.

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