

14141. Adulteration and misbranding of evaporated apples. U. S. v. James Allen Adams, James Vard Curtis, and John Francis Danner (Lincoln Fruit Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 19716. I. S. Nos. 6286-v, 8773-v, 10394-v, 10398-v, 21951-v, 21952-v, 23046-v.)

On February 9, 1926, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Allen Adams, James Vard Curtis, and John Francis Danner, copartners, trading as Lincoln Fruit Co., Lincoln, Ark., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, on or about September 15, 16, 19, and 30, and October 4, 1924, respectively, from the State of Arkansas into the States of Kansas, Oklahoma, Tennessee, and Texas, respectively, of quantities of evaporated apples which were adulterated and misbranded. The article was labeled in part: "Evaporated Apples Packed By Lincoln Fruit Co. Lincoln, Ark."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that a substance, to wit, excessive water, had been substituted in part for evaporated apples, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Evaporated Apples," borne on the boxes containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of evaporated apples, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of evaporated apples, whereas it did not so consist but did consist in part of excessive water.

On February 25, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

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

14142. Misbranding of cottonseed meal. U. S. v. 600 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20857. I. S. No. 4493-x. S. No. C-4959.)

On February 17, 1926, the United States attorney for the Northern District of Illinois, 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 600 sacks of cottonseed meal, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Buckeye Cotton Oil Co., from North Little Rock, Ark., February 2, 1926, and transported from the State of Arkansas into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Buckeye Prime Cottonseed Meal Manufactured By The Buckeye Cotton Oil Co. * * * Guaranteed Analysis Protein 43 Per Cent Minimum."

Misbranding of the article was alleged in substance in the libel for the reason that the statement on the label "Protein 43 Per Cent Minimum" was false and misleading, and for the further reason that the said article was labeled so as to deceive and mislead the purchaser, in that it contained less than 43 per cent of protein.

On March 6, 1926, the Buckeye Cotton Oil Co., North Little Rock, Ark., 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 \$1,000, in conformity with section 10 of the act, the decree providing that the product be sold as containing 36 per cent of protein, for manufacturing purposes.

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

14143. Adulteration and misbranding of prepared mustard. U. S. v. 11 Cases, et al., of Prepared Mustard. Default order of destruction entered. (F. & D. No. 19119. I. S. No. 20807-v. S. No. W-1599.)

On November 22, 1924, the United States attorney for the District of Utah, 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 cases, each containing one dozen bottles, and 4 cases, each containing

three dozen bottles, of prepared mustard, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Morehouse Mustard Mills, from Oakland, Calif., July 1, 1924, and transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Prepared Old English Style 8 Oz. When Packed Morehouse Mustard Mustard Seed, Vinegar, Spices Salt and Turmeric Morehouse Mustard Mills Los Angeles Oakland."

Adulteration of the article was alleged in the libel for the reason that a substance, added mustard bran, 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 in substance for the reason that the statement borne on the labels, "Mustard Seed, Vinegar, Spices, Salt And Turmeric 8 Oz. When Packed," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On June 24, 1925, no claimant having appeared for the property, a decree of the court was entered, adjudging the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

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

14144. Adulteration of walnut meats. U. S. v. 5 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20826. I. S. No. 10462-x. S. No. W-1869.)

On February 6, 1926, the United States attorney for the District of Oregon, 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 5 cases of walnut meats, remaining in the original unbroken packages at Eugene, Oreg., alleging that the article had been shipped by the Sunset Nut Shelling Co., from San Francisco, Calif., January 15, 1926, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "50 Lbs. Net D. Amber Walnut Meats Packed By Sunset Nut Shelling Co. San Francisco."

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 March 10, 1926, 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.*

14145. Adulteration and misbranding of butter. U. S. v. 10 Cases of Creamery Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20366. I. S. No. 6490-x. S. No. E-5464.)

On or about August 10, 1925, the United States attorney for the Southern District of Florida, 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 10 cases of creamery butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped from the Fitzgerald Creamery, Fitzgerald, Ga., August 5, 1925, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Creamery Monogram Butter."

Adulteration of the article was alleged in the libel for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the labels, was false and misleading, in that the said statement represented that the article consisted wholly of butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On December 24, 1925, no claimant having appeared for the property, judg-