

condemnation of 600 sacks of cottonseed meal, remaining unsold at Marion, Iowa, alleging that the article had been shipped by the Forney Cotton Oil & Ginning Co., from Forney, Tex., on or about December 8, 1925, and transported from the State of Texas into the State of Iowa, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43 Pct. Protein Cotton Seed Meal Prime Quality * * * Manufactured By Forney Cotton Oil Ginning Co. Forney, Texas. Protein Not Less Than 43.00 per cent."

Misbranding of the article was alleged in the libel for the reason that the statements "43 Pct. Protein" and "Protein Not Less Than 43.00 per cent," borne on the label, were false and misleading and deceived and misled the purchaser, in that the said article contained less than 43 per cent of protein.

On April 8, 1926, the Forney Cotton Oil & Ginning Co., Forney, Tex., 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 cost of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14235. Adulteration and misbranding of cottonseed meal and cake. U. S. v. Richard K. Wootten, Effie D. Wootten, James William Simmons, George Albert Simmons, and Robert Roy Gilliland (Quanah Cotton Oil Co.). Pleas of guilty. Fine, \$35. (F. & D. No. 19672. I. S. Nos. 20861-v, 20862-v, 20863-v, 20891-v.)

On December 24, 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 Richard K. Wootten, Effie D. Wootten, James William Simmons, George Albert Simmons, and Robert Roy Gilliland, copartners, trading as Quanah Cotton Oil Co., Quanah, Tex., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, on or about January 17 and March 24, 1925, respectively, from the State of Texas into the State of Colorado, of quantities of cottonseed meal and cake which were adulterated and misbranded. The articles were labeled in part: (Tag) "100 lbs." (or "Pounds") "(Net) 43% Protein Cotton Seed Meal" (or "Cake") "Prime Quality Manufactured by Quanah Cotton Oil Company Quanah, Texas Guaranteed Analysis Crude Protein not less than 43.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of samples of the article showed that they contained 38.59 per cent, 40.32 per cent, 38.84 per cent, and 38.6 per cent, respectively, of protein.

Adulteration of the articles was alleged in the information for the reason that a product which contained less than 43 per cent of protein had been substituted for 43 per cent protein cotton seed meal, or 43 per cent protein cotton seed cake, which the articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "43% Protein Cotton Seed Meal," and "43% Protein Cotton Seed Cake" and "Guaranteed Analysis Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing the articles, were false and misleading, in that the said statements represented that the articles contained not less than 43 per cent of protein and not less than 43 per cent of crude protein, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained the said amount of protein and crude protein, whereas they did not but did contain less than 43 per cent of protein and less than 43 per cent of crude protein.

On January 25, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$35.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14236. Misbranding of olive oil. U. S. v. 15 One-Gallon Tins of Olive Oil. Product released under bond to be relabeled. (F. & D. No. 19129. I. S. No. 16558-v. S. No. E-5005.)

On November 8, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 one-gallon tins of olive oil, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Palby

Products Co., from New York, N. Y., on or about October 13, 1924, and transported from the State of New York into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Net Contents One Gallon Nettuno Brand * * * Olio Puro D'Oliva."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Contents One Gallon," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1926, the product having theretofore been delivered to the claimant, Alfonso Carano, upon his giving bond to secure compliance with the law, and the conditions of said bond, namely, that the product be relabeled to state the net contents of the cans, having been complied with, it was ordered by the court that the libel be dismissed and the bond exonerated.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14237. Adulteration of tomato paste. U. S. v. 27 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 20902. S. No. E-5653.)

On March 2, 1926, 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 seizure and condemnation of 27 cases of tomato paste, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Oreste Mariani, from Naples, Italy, on or about December 6, 1924, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Mariani Extra Fine Tomato Paste Italian Produce Salsina Di Puro Pomodoro Net Weight Ounces 6½ * * * Casa Esportatrice Mariani Bros."

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 April 27, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14238. Adulteration of shell eggs. U. S. v. Hugh L. Hodges. Plea of guilty. Fine, \$25. (F. & D. No. 19742. I. S. No. 3644-x.)

On January 29, 1926, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hugh L. Hodges, trading as H. L. Hodges, Finger, Tenn., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 27, 1925, from the State of Tennessee into the State of Alabama, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Finger, Tenn. * * * Shipper and Local Address H. L. Hodges."

Examination by the Bureau of Chemistry of this department of 540 eggs, from 3 half cases from the shipment, showed that 131, or 24.3 per cent, were inedible eggs, consisting of mixed rots and blood rings.

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

On April 26, 1926, the defendant entered a plea of guilty to the information, and the court imposed a penalty of \$25, in lieu of fine and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14239. Adulteration of butter. U. S. v. 7 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 20993. I. S. No. 10510-x. S. No. W-1934.)

On March 13, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 cubes of butter, remaining in the original unbroken pack-