

tion of a bond in the sum of \$150, conditioned in part that it be recanned under the supervision of this department so that the cans contain the proper volume, and that it be relabeled to show the true volume, to wit, 1 full gallon, $\frac{1}{2}$ gallon, or $\frac{1}{4}$ gallon, as the case might be.

W. M. JARDINE, *Secretary of Agriculture.*

14465. Adulteration and misbranding of jellies. U. S. v. 85 Cases of Assorted Jellies. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 20100. I. S. Nos. 20402-v, 20403-v, 20404-v, 20411-v, 20459-v, 20927-v to 20932-v, incl. S. No. W-1719.)

On June 4, 1925, the United States attorney for the Southern 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 seizure and condemnation of 85 cases of assorted jellies, remaining in the original unbroken packages in part at San Diego, Calif., and in part at El Centro, Calif., alleging that the articles had been shipped by the Everett Fruit Products Co., from Everett, Wash., on or about April 29, 1925, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Jar) "My-T-Fine Apple Jelly" (or "Crab Apple Jelly" or "Apple Loganberry Jelly" or "Apple Raspberry Jelly" or "Apple Strawberry Jelly" or "Apple Blackberry Jelly") "Everett Fruit Products Co., Everett, Wash. 6 Oz."

It was alleged in the libel that the apple jelly and the crabapple jelly were adulterated, in that pectin jellies containing added acid had been substituted wholly or in part for the articles, and in that pectin had been mixed and packed with the said articles so as to reduce, lower or injuriously affect their quality or strength.

Adulteration was alleged with respect to the remaining jellies for the reason that imitation jellies artificially colored and containing pectin and added acid had been substituted wholly or in part for the articles, for the further reason that pectin had been mixed or packed therewith so as to reduce, lower or injuriously affect their quality or strength, and for the further reason that they had been colored in a manner whereby damage or inferiority was concealed.

Misbranding of the said apple and crabapple jellies was alleged for the reason that they were labeled in part, "Apple Jelly," "Crab Apple Jelly," which statements were false and misleading when applied to pectin jellies containing added acid. Misbranding was alleged with respect to the remaining jellies for the reason that they were labeled in part, "Apple Strawberry," "Apple Raspberry," and "Apple Blackberry," which statements were false and misleading when applied to artificially colored pectin jellies containing added acid. Misbranding was alleged with respect to all the jellies for the further reason that they were offered for sale under the distinctive name of other articles, and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the container, since the quantity of food contained in the jars was less than stated on the label.

On December 22, 1925, the Everett Fruit Products Co., Everett, Wash., 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 products 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 they be relabeled in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

14466. Adulteration and misbranding of cottonseed cake. U. S. v. Vernon Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 19666. I. S. No. 22005-v.)

On July 22, 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 Vernon Cotton Oil Co., a corporation, Vernon, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about June 30, 1924, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was adulterated and misbranded. The article was labeled in part: (Tag) "43% Protein Cottonseed Cake Prime Quality Manufactured by Vernon

Cotton Oil Company Vernon, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of a sample of the article from the shipment showed 41.16 per cent of protein.

Adulteration of the article 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 cottonseed cake, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "43% Protein Cottonseed Cake" and "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," borne on the label, were false and misleading, in that the said statements represented that the article was 43 per cent protein cottonseed cake, and contained not less than 43 per cent of crude protein, 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 43 per cent protein cottonseed cake, and contained not less than 43 per cent of crude protein, whereas it was a product which contained less than 43 per cent of crude protein.

On November 16, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

14467. Adulteration of canned string beans. U. S. v. 886 Cases and 95 Cases of String Beans. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 19563, 20693. I. S. Nos. 23168-v, 4258-x. S. Nos. C-4637, C-4897.)

On February 9 and December 7, 1925, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 981 cases of canned string beans, remaining in the original packages in part at Anthony, Kans., and in part at Arkansas City, Kans., alleging that the article had been shipped by Appleby Bros., in part from Fayetteville, Ark., and in part from West Fork, Ark., on or about July 25, 1924, and September 15, 1925, respectively, and transported from the State of Arkansas into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sahara Brand" (or "Zat-Zit Brand") "Cut String Beans * * * Packed by Appleby Bros. Fayetteville, Ark."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On September 22, 1925, and March 4, 1926, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14468. Misbranding of cottonseed cake. U. S. v. Munday Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 19722. I. S. No. 23099-v.)

In the month of March, 1926, 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 Munday Cotton Oil Co., a corporation, Munday, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 20, 1925, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "100 Pounds (Net) 43 Percent Protein Cottonseed Cake Prime Quality Manufactured by Munday Cotton Oil Company Munday, Texas Guaranteed Analysis Crude Protein not less than 43.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of 1 sample from the shipment showed 39.18 per cent protein, and examination of 40 sacks of the article showed an average net weight of 98.86 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43 Percent Protein," "Guaranteed Analysis Crude Protein not less than 43.00 Per Cent," and "100 Pounds (Net)," borne on the labels, were false and misleading, in that the said statements represented that the article contained not less than 43 per cent of protein, and that it