

On October 10, 1927, W. A. Higgins & Co., Inc., New York, N. Y., 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 \$2,000, conditioned in part that it be labeled, "Not for Human Consumption," and should not be used for human consumption or for purposes other than distillation of alcohol, manufacture of tobacco, and hog feed.

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

**15627. Adulteration and misbranding of olive oil. U. S. v. 32 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. F. & D. No. 22604. I. S. No. 23403-x. S. No. 587.)**

On March 5, 1928, the United States attorney for the Eastern District of Texas, 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 32 cans of olive oil, remaining in the original unbroken packages at Beaumont, Texas, alleging that the article had been consigned from Paul Gallo, New Orleans, La., October 21, 1927, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in whole or in part for a genuine article designated as olive oil.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, 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 3, 1928, 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.

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

**15628. Adulteration and misbranding of cottonseed meal. U. S. v. 200 Bags of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22350. I. S. No. 18505-x. S. No. 403.)**

On January 4, 1928, the United States attorney for the District of Massachusetts, 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 200 bags of cottonseed meal, remaining in the original unbroken packages at North Adams, Mass., consigned about October 3, 1927, alleging that the article had been shipped by the Planters Oil Co., Albany, Ga., and had been transported in interstate commerce from Albany, Ga., into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it contained a substance deficient in protein, which had been substituted in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement, "Choice-Prime \* \* \* Cottonseed Meal Guaranteed Analysis Min. Protein 41.12%," was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On February 29, 1928, the Humphreys-Godwin Co., Inc., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, 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, conditioned in part that it be relabeled under the supervision of this department.

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

**15629. Adulteration and misbranding of butter. U. S. v. 9 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22511, 22512, 22602, 22603. I. S. Nos. 21884-x, 21887-x, 21906-x, 21909-x. S. Nos. 535, 564, 568, 594.)**

On February 6, 9, 14, and 17, 1928, respectively, the United States attorney for the Southern District of New York, 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 45 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Portland Creamery Co., from Portland, N. Dak., in various consignments on or about January 28, February 1, February 4, and February 6, 1928, respectively, and had been transported from the State of North Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libels that the article was adulterated, in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the product 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 February 24, February 28, and February 29, 1928, respectively, the Portland Creamery Co., Portland, N. Dak., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds totaling \$2,600, conditioned in part that it be reprocessed and reworked. The claimant agreed that the reconditioned product should contain at least 80 per cent of butterfat and that the packages be plainly and conspicuously marked to show the true quantity of the contents.

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

**15630. Adulteration of scallops. U. S. v. 5 Boxes of Scallops. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution.** (F. & D. No. 22416. I. S. No. 21578-x. S. No. 452.)

On January 14, 1928, 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 5 boxes, containing 70 gallons, of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by J. H. Potter & Son, from Beaufort, N. C., on or about January 12, 1928, and had been transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On January 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portions of the product fit for human consumption be delivered to a charitable institution.

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

**15631. Adulteration of figs. U. S. v. 50 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22150. I. S. Nos. 17326-x, 17328-x. S. No. 206.)

On November 10, 1927, 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 seizure and condemnation of 50 boxes of figs, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., from Fresno, Calif., in various lots on or about May 13, October 17, and October 25, 1927, respectively, 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: "Blue Ribbon Brand Choice Mission Figs, Produced & Packed by California Peach & Fig Growers. Main Office, Fresno, Calif."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.