

ture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 43 barrels of vinegar, remaining unsold in the original packages at Davenport, Iowa, alleging that the article had been shipped by the Central City Pickle Co., from Peoria, Ill., in part on or about September 21, 1927, and in part on or about December 30, 1927, and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Morton L. Marks Co., Davenport, Iowa, IXL Brand Reduced Apple Cider Vinegar."

Adulteration was alleged in the libel with respect to a portion of the article for the reason that an acid product other than cider vinegar and an ash material had been mixed and packed with and substituted in part for the said article. Adulteration was alleged with respect to the remainder of the said article in that an acid product other than cider vinegar and an ash material were present therein.

Misbranding was alleged for the reason that the statement on the barrels, "Apple Cider Vinegar," 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 November 1, 1928, the Central City Pickle Co., Peoria, Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture. It was further ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of bonds totaling \$1,000, for the purpose of relabeling and rebranding under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16448. Misbranding of cottonseed meal and cake. U. S. v. 390 Sacks of Cottonseed Meal, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 23228, 23230, 23252. I. S. Nos. 07401, 04718, 04761. S. Nos. 1334, 1341, 1364.)

On December 10 and December 17, 1928, respectively, the United States attorney for the District of Colorado, 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 990 sacks of cottonseed meal and cake, remaining in the original unbroken packages in various lots at Denver, Lamar, and La Junta, Colo., respectively, consigned by the Continental Oil Cotton Co., Colorado, Tex., alleging that the articles had been shipped from Colorado, Tex., in various consignments on or about November 10, November 20, and November 27, 1928, respectively, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The articles were labeled in part: "43 Per Cent Protein Cottonseed Cake (or "Meal") Manufactured by Continental Oil Cotton Company, Colorado, Texas, * * * Crude Protein Not Less Than 43 Per Cent."

It was alleged in the libels that the articles were misbranded in that the statements "43 Per Cent Protein" and "Crude Protein Not Less Than 43 Per Cent," borne on the labels, were false and misleading, and deceived and misled the purchaser, since the said articles did not contain 43 per cent of protein.

On December 27, 1928, the Continental Oil Cotton Co., Colorado, Tex., 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 products be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that they should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16449. Adulteration of canned sardines. U. S. v. 11 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22989. I. S. No. 02912. S. No. 1054.)

On August 21, 1928, the United States attorney for the District of New Jersey, 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 11 cases of canned sardines at Perth Amboy, N. J., alleging that the article had been shipped by H. F. Sawyer & Son, Vinalhaven, Me., on or about July 2, 1928, and transported from the State of Maine into the State of

New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Three Star Brand American Sardines in Cotton Seed Oil Packed by H. F. Sawyer & Son, Vinalhaven, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 4, 1929, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16450. Misbranding of potatoes. U. S. v. 300 Sacks of Potatoes. Product released under bond. (F. & D. No. 23376. S. No. 1519.)

On February 1, 1929, the United States attorney for the Eastern District of Missouri, 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 300 sacks of potatoes, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Jim Kimball, Kimberly, Idaho, January 25, 1929, and transported from the State of Idaho into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "U. S. Grade No. 1 Selected Idaho Potatoes."

It was alleged in the libel that the article was misbranded in violation of section 8 of said act in that it consisted of potatoes of a grade or grades lower than U. S. No. 1.

On February 25, 1929, O. Steinberg, Kimberly, Idaho, having appeared as claimant for the property, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned as provided by law.

ARTHUR M. HYDE, *Secretary of Agriculture.*