

about October 24, 1908. A number of the cans were weighed in the Bureau of Chemistry of the United States Department of Agriculture, and the average net weight was found to be  $14\frac{1}{2}$  ounces. The goods were, therefore, misbranded within the meaning of section 8 of the act, and on March 31, 1909, the facts were reported by the Secretary of Agriculture to the United States attorney for the western district of Texas, and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1909.*

(N. J. 109.)

#### **ADULTERATION AND MISBRANDING OF COTTONSEED MEAL.**

(AS TO PRESENCE OF COTTONSEED HULLS.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 12th day of May, 1909, in the district court of the United States for the district of Indiana, in a proceeding of libel for seizure and condemnation of 600 sacks, more or less, of a cottonseed product, purporting to be cottonseed meal, shipped by the J. Lindsay Wells Company, a corporation of Memphis, Tenn., from Tennessee to Indiana, in sacks which bore no labels, but which consignment was invoiced and sold as cottonseed meal, whereas, in fact, it contained approximately 50 per cent of cottonseed hulls, wherein the United States was libellant and the said J. Lindsay Wells Company was claimant, the cause having come on for hearing and the said claimant having admitted the allegations of the libel, the court adjudged the product adulterated and misbranded and rendered a decree in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF  
INDIANA.

UNITED STATES

v.

SIX HUNDRED SACKS, MORE OR LESS, OF COTTON-SEED PRODUCT,  
purporting to be Cotton-Seed Meal.

No. 6921.

Now, at this day, comes the United States attorney for the district of Indiana, and J. Lindsay Wells Company, a corporation, claimant and owner of the said

three hundred eighty-five sacks of a cotton-seed product, purporting to be cotton-seed meal, by Weaver & Young, its proctors, and this cause now coming on to be heard on the pleadings herein, and after due deliberation being had in the premises the court finds that all the allegations contained in the libel are true and that the United States is entitled to recover herein.

It is therefore ordered, adjudged, and decreed that the said three hundred eighty-five sacks of a cotton-seed product, purporting to be cotton-seed meal, are hereby condemned as being adulterated and being sold under the distinctive name of cotton-seed meal, under the provisions of the Food and Drugs Act of June 30, 1906, and it appearing to the court that the costs in this cause, taxed at thirty-two &  $\frac{3}{100}$  dollars, have been paid by the claimant, and the claimant having filed a good and sufficient bond herein, to the effect that said three hundred eighty-five sacks of a cotton-seed product, purporting to be cotton-seed meal, shall not be sold or otherwise disposed of, contrary to the provisions of the Food and Drugs Act of June 30, 1906.

It is further ordered, adjudged, and decreed that the marshal be, and he is hereby, directed to release the said three hundred eighty-five sacks of a cotton-seed product, purporting to be cotton-seed meal, and restore the same to the claimant herein.

The facts in the case were as follows:

On or about April 22, 1909, an inspector of the Department of Agriculture found in the possession of F. A. Nave, Attica, Ind., 600 sacks of a product purporting to be cottonseed meal, which had been shipped to him on or about April 2, 1909, by the J. Lindsay Wells Company, Memphis, Tenn. An analysis of a sample taken from this shipment was made in the Bureau of Chemistry, United States Department of Agriculture, and found to consist of approximately 50 per cent of cottonseed hulls. It was apparent that the product was both adulterated and misbranded within the meaning of sections 7 and 8 of the act; adulterated for the reason that cottonseed hulls had been mixed and packed with the cottonseed meal so as to reduce and lower and injuriously affect its quality and strength, and misbranded for the reason that it had been shipped, invoiced, and sold under the name of cottonseed meal, whereas the product contained approximately 50 per cent of cottonseed hulls. Accordingly, on April 22, 1909, the Secretary of Agriculture reported the facts to the United States attorney for the district of Indiana, and libel for seizure and condemnation under section 10 of the act was duly filed, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. MCCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1909.*