

meaning of the act in that the said product contained an apple product and was therefore not pure grape jelly and was an imitation of pure grape jelly and was offered for sale under the distinctive name of an article other than what it really was, and for the further reason that said product was labeled or misbranded so as to deceive and mislead the purchaser.

On February 27, 1914, William M. Cargen, trading as the Quaker City Pure Fruit & Sugar Preserve Co., Philadelphia, Pa., claimant, having filed his answer to the libel, consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3385. Adulteration and misbranding of tomato paste. U. S. v. 40 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5575. I. S. No. 3366-h. S. No. 2106.)

On or about February 5, 1914, 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 for the seizure and condemnation of 40 cases of tomato paste, 20 of which contained 100 1-pound cans, and the remaining 20 contained 20 5-pound cans, of tomato paste, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about December 6, 1913, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Parma Brand Conserva di Pomodoro Tomato Paste—Containing 1/20 of 1% Benzoate of Soda—Parma, Luigi Vecchi, Inc., New York—Factory, Hazlet, N. J.—Contents 15 oz. net. Best in the world."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and [or] decomposed vegetable substance. Misbranding was alleged for the reason that said product was labeled "Best in the World," which label was false and misleading in that said product contained mold filaments, yeasts, spores and fragments of decayed tomato.

On February 25, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3386. Misbranding of cottonseed cake. U. S. v. 300 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5581. I. S. No. 8801-h. S. No. 2109.)

On February 7, 1914, the United States attorney for the Western 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 for the seizure and condemnation of 300 sacks of cottonseed cake, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the product had been shipped on or about January 2, 1914, by the Riverside Cotton Oil Co., Fort Worth, Tex., and the Helfey-Coleman Co., Fort Worth, Tex., and transported from the State of Texas into the States of Kansas and Missouri, and charging misbranding in violation of the Food and Drugs Act. The product was labeled:

"100 Lbs. Cold Pressed Cotton Seed Cake Manufactured by Riverside Cotton Oil Company Fort Worth, Tex. Guaranteed Analysis:

Protein-----	29%
Fat -----	6.3%
Crude Fiber-----	25%
Nitrogen Free Extract-----	28%

100 lbs. Net Feeding Stuff L. B. Youngblood Director Guaranteed under the Texas law and sold subject to inspection. Guaranteed composition must be printed plainly on reverse side of this tag. The Texas Inspection Tax has been paid. W. L. Boyett, State Feed Inspector, College Station, Texas. Information Bulletins Free."

Misbranding of the product was alleged in the libel for the reason that the aforesaid label on said sacks or packages bore a statement regarding the article which was false and misleading in that it represented and stated on the labels upon said sacks or packages that each of them contained 100 pounds of the product, as stated on said labels, whereas, in truth and in fact, the said sacks or packages did not each contain 100 pounds of said product but contained less than 100 pounds of said product, and that each of said sacks or packages, so represented and stated to contain 100 pounds of the product as stated on said labels, contained but 96 pounds thereof. Misbranding was alleged for the further reason that said sacks or packages were so labeled or branded as to deceive and mislead the purchaser, in that it was represented and stated on the labels upon said sacks and packages that each of them contained 100 pounds of the product, whereas, in truth and in fact, each of such sacks and packages did not contain 100 pounds as stated on said labels, but each contained less than that amount of such product, and that each of said sacks and packages so represented and stated as containing 100 pounds of said product on said labels contained but 96 pounds [average weight].

On February 28, 1914, the said Riverside Cotton Oil Co., claimant, having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *September 24, 1914.*

3387. Adulteration and misbranding of butter. U. S. v. 20 Tubs, More or Less, of So-Called Butter. Consent decree of condemnation and forfeiture. Released on bond. (F. & D. No. 5588. I. S. No. 7722-h. S. No. 2112.)

On February 10, 1914, 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 for the seizure and condemnation of 20 tubs, each containing about 65 pounds of a product purporting to be pure creamery butter, remaining unsold in the original unbroken packages at Sharptown, N. J., alleging that the product had been shipped on or about January 19, 1914, and transported from the State of New York into the State of Pennsylvania, from which State the said product, on or about February 2, 1914, was reshipped and transported into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Rush—Perishable—For John Jamison, 3 S. Water St., Phila.—from William Richman—Manufacturer and Shipper—Pure Dairy Products—Fresh Cream, Milk, Unsweetened condensed milk and Sugared condensed milk, ***** Unionville, N. Y."