

part of starch and milk protein. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 21, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

E. D. BALL, *Acting Secretary of Agriculture.*

S744. Adulteration of evaporated apples. U. S. * * * v. 10 Boxes, More or Less, of Evaporated Apples. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 12092. I. S. No. 7385-r. S. No. C-1747.)

On February 17, 1920, the United States attorney for the District of Indiana, 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 10 boxes, more or less, of evaporated apples, consigned January 12, 1920, remaining in the original unbroken packages at Richmond, Ind., alleging that the article had been shipped by J. W. Teasdale & Co., St. Louis, Mo., and transported from the State of Missouri into the State of Indiana, arriving on or about February 14, 1920, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, (box) "Fifty pounds net Banner Brand Product of Evaporated Apples Prepared with Salt and Sulphur Fumes. Are much cheaper and far superior to gallon canned apples. Guaranteed under the Pure Food and Drugs Act of June 30, 1906."

Adulteration of the apples was alleged in substance in the libel for the reason that water had been mixed and packed with them so as to reduce, lower, and injuriously affect their quality and had been substituted wholly and in part for said apples.

On June 25, 1920, 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 sold by the United States marshal after the obliteration of all labeling thereon and the rebranding of the same by placing thereon "Evaporated Apples containing 29% moisture."

E. D. BALL, *Acting Secretary of Agriculture.*

S745. Adulteration of canned salmon. U. S. * * * v. 132 Cases of Canned Salmon. Consent decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 12186, 12187, 12188, 12189. I. S. No. 547-r. S. No. E-1970.)

On February 20, 1920, 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 132 cases of canned salmon, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about July 16, 1919, and transported from the State of Virginia into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Retail package) "Hall's Sealect Brand Pink Salmon 1 Lb. Net Weight * * * G. Batcheller Hall Co., Distributors, Seattle, Wash.;" (shipping package) "4 Doz. 1 Lb. Hall's Pink Salmon Packed by Clark Graham Co., Cordova, Alaska, Distributed by G. Batcheller Hall Co., Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, putrid, and decomposed animal substance.

On October 26, 1920, the G. Batcheller Hall Co., Seattle, Wash., claimant, having withdrawn its answer theretofore filed and having consented to a decree,

judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and it was further ordered that the costs of the proceedings be recovered from said claimant.

E. D. BALL, *Acting Secretary of Agriculture.*

S746. Adulteration and misbranding of cottonseed meal. U. S. * * * v. 500 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12190. I. S. No. 9242-r. S. No. C-1766.)

On February 20, 1920, the United States attorney for the Eastern District of Illinois, 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 500 sacks of cottonseed meal, consigned by United Oil Mills, from Arkadelphia, Ark., remaining unsold in the original unbroken packages at East St. Louis, Ill., alleging that the article had been shipped on or about January 21, 1920, and transported from the State of Arkansas into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Nutrine Brand Cotton Seed Meal * * * Guaranteed Analysis, Protein, 41%, Fat, 6%, Crude Fibre (Maximum), 10% * * * Manufactured for Hayes Grain & Commission Co., Little Rock, Arkansas."

Adulteration of the article was alleged in the libel for the reason that a substance had been mixed and packed with said article so as to reduce and lower its quality and strength.

Misbranding was alleged in substance for the reason that the statements on the label, "Protein 41%," "Crude Fibre (Maximum) 10%," and "99 lbs. net," were false and misleading and deceived and misled the purchaser, since the article contained only 37.81 per cent of protein and 14.9 per cent of crude fiber and the sacks contained only 98 pounds net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside thereof in terms of weight or measure.

On March 22, 1920, the United Oil Mills Co., Hope, Ark., having entered an appearance as claimant and having agreed that the product should not be sold or offered for sale contrary to the provisions of State or Federal law, and the case having come on for final disposition, it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the brands and advertising matter be removed from the sacks and destroyed and that such brands or advertising matter as would meet the requirements of this department be placed thereon.

E. D. BALL, *Acting Secretary of Agriculture.*

S747. Misbranding of olive oil and cottonseed salad oil. U. S. * * * v. Morris Heller. Plea of guilty. Fine, \$100. (F. & D. No. 12326. I. S. Nos. 15006-r, 15097-r, 15098-r.)

On September 27, 1920, 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 an information against Morris Heller, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, on or about April 22 and June 19, 1919, of quantities