

Company Macon, Georgia Guaranteed Analysis Nitrogen 5.76% Ammonia, not less than 7.00%."

Adulteration of the article was alleged in the libels for the reason that a substance deficient in ammonia or protein had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the article was an imitation of, and offered for sale under the distinctive name of, another article, and for the further reason that the statements on the sacks, "Nitrogen 5.76%" and "Ammonia, not less than 7.00%," regarding the article and the ingredients and substances contained therein, were false and misleading and deceived and misled the purchaser, since the product contained considerably less than 5.76 per cent of nitrogen and 7 per cent of ammonia.

On July 11, and August 2, 1922, the matter having come on to be heard upon the pleadings, and upon the testimony, documentary and oral, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to the Nitrate Agencies Co., upon the execution of bond in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article should not be used for any purpose other than in the manufacture of fertilizer or for sale as a fertilizer, and that it should in no wise be sold as a foodstuff or as feed, and that the costs of the proceedings should be paid by the Central Oil Co.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10703. Adulteration of shell eggs. U. S. v. Max B. Heffner (Hobart Produce Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 15849. I. S. Nos. 3396-t, 3398-t.)

On February 15, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Max B. Heffner, trading as Hobart Produce Co., Hobart, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 11 and July 13, 1921, respectively, from the State of Oklahoma into the State of Kansas, of quantities of shell eggs which were adulterated. The article was labeled in part: (Tag) "Hobart Produce Co. * * * Hobart, Okla. * * *."

Examination, by the Bureau of Chemistry of this department, of 6 cases from the consignment of July 11 and 1,440 eggs from the consignment of July 13 showed that 693 and 120, respectively, or 32.08 and 8.33 per cent, respectively, of those examined were inedible eggs, consisting of black rots, mixed or white rots, mixed rots, moldy, spot rots, and blood rings.

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

On February 18, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10704. Misbranding of olive oil. U. S. v. 22 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16062. I. S. No. 14110-t. S. No. W-1047.)

On February 21, 1922, the United States attorney for the District of Wyoming, 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 22 cans of olive oil, remaining unsold in the original unbroken packages at Cheyenne, Wyo., consigned by Nasiacos Importing Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about January 11, 1922, and transported from the State of Illinois into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Athlete Club Pure Olive Oil Guaranteed Finest Quality Contents Half Gallon Nasiacos Importing Co. Chicago Perseus."

Misbranding of the article was alleged in substance in the libel for the reason that the statement on each of the cans containing the said article, "Contents Half Gallon," was false and misleading, and for the further reason that the said cans were marked so as to deceive and mislead the purchaser, in that they purported to contain a full half-gallon of the said article, whereas, in truth and in fact, each of the said cans did not contain a full half-gallon thereof. 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 each package in terms of weight or measure.

On March 27, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10705. Adulteration and misbranding of cider. U. S. v. 4 Barrels and 6 Barrels of Cider. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16082, 16083. I. S. No. 8837-t. S. No. E-3840.)

On April 6, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 barrels of cider, remaining in the original unbroken packages at Baltimore, Md., consigned on or about March 13, 1922, alleging that the article had been shipped by the Interstate Fruit Product Co., Charles Town, W. Va., and transported from the State of West Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Juice Heck and Heck Brand Manufactured by International Fruit Product Co., Baltimore, Md. * * *"

Adulteration of the article was alleged in the libel for the reason that a substance, saccharin, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a fermented apple juice containing saccharin had been substituted wholly or in part for pure apple juice, which the article purported to be, and for the further reason that it contained an added poisonous or other deleterious ingredient, saccharin, which might have rendered it injurious to health.

Misbranding was alleged in substance for the reason that the statement on the label of the barrels containing the article, "Pure Apple Juice," was false and misleading, and deceived and misled the purchaser.

On June 15, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10706. Adulteration and misbranding of cider vinegar. U. S. v. 32 Barrels of Vinegar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16105. I. S. No. 17027-t. S. No. E-3843.)

On April 19, 1922, the United States attorney for the District of Maryland, 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 32 barrels of vinegar, remaining in the original unbroken packages at Cumberland, Md., consigned November 16, 1921, alleging that the article had been shipped by the De Luxe Produce Co., Allegheny, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "De Luxe Produce Co., Pure Cider Vinegar, Pittsburgh, Pa. 50."

Adulteration of the article was alleged in the libel for the reason that a substance, distilled vinegar, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part therefor.

Misbranding was alleged in substance for the reason that the statement appearing on the labels of the barrels containing the article, "Pure Cider Vinegar," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 30, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10707. Adulteration and misbranding of vinegar. U. S. v. 34 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16113. I. S. No. 8836-t. S. No. E-3849.)

On April 19, 1922, the United States attorney for the District of Maryland, 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 34 barrels of vinegar, remaining in the original unbroken packages at Cum-