

10829. Adulteration of oranges. U. S. v. 1 Carload of Oranges. Consent decree of condemnation and forfeiture. Product released on bond for sorting and destruction of the decomposed oranges. (F. & D. No. 16366. I. S. No. 977-t. S. No. C-3640.)

On April 18, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by a health officer of the city of Memphis, Tenn., filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of oranges, remaining in the original unbroken cases at Memphis, Tenn., alleging that the article had been shipped on or about March 31, 1922, by the Riverside Heights Assoc., Riverside, Calif., and transported from the State of California into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pepper Leaf Brand, Riverside Heights Orange Growers Association, Riverside, Calif."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On April 19, 1922, the California Fruit Growers Exchange, Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to said claimant upon payment of the costs of the proceedings and execution of bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the oranges be reconditioned to the satisfaction of this department and that such of the oranges that were not found to meet the requirements of this department be destroyed.

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

10830. Alleged misbranding of cottonseed meal and cake. U. S. v. Louisiana Cotton Oil Co., a Corporation. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 13165. I. S. No. 12043-r.)

On December 3, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Louisiana Cotton Oil Co., a corporation, Shreveport, La., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about January 22, 1919, from the State of Louisiana into the State of Kansas, of a quantity of an article labeled in part, "100 Pounds Gross. Manufactured by Southland Cotton Oil Co. Paris, Texas," which was alleged to have been misbranded.

Analysis of samples of the product by the Bureau of Chemistry of this department showed that it contained 44.17 per cent of protein and 8.57 per cent of ammonia.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis: Protein 46.00 Ammonia 8.95" and "Manufactured by Southland Cotton Oil Co. Paris, Texas," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article contained not less than 46 per cent of protein and not less than 8.95 per cent of ammonia, and that said article was manufactured by the Southland Cotton Oil Co. of Paris, Texas, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 46 per cent of protein and not less than 8.95 per cent of ammonia, and that said article was manufactured by the Southland Cotton Oil Co. of Paris, Texas, whereas, in truth and in fact, said article did not contain 46 per cent of protein and 8.95 per cent of ammonia, but did contain a less amount, to wit, 44.17 per cent of protein and 8.57 per cent of ammonia, and said article was not manufactured by the Southland Cotton Oil Co., Paris, Texas, but was manufactured by the Louisiana Cotton Oil Co., Shreveport, La. 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 May 22, 1922, the case coming on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the case was submitted to the jury who after deliberating rendered a verdict of not guilty.

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