

11653. Adulteration and misbranding of cottonseed feed. U. S. v. 220 Sacks of Cottonseed Feed. Order entered permitting product to be released under bond. (F. & D. No. 17211. I. S. No. 1458-v. S. No. E-4297.)

On February 2, 1923, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 220 sacks of cottonseed feed, remaining unsold in the original unbroken packages at Culpeper, Va., alleging that the article had been shipped by the Southern Cotton Oil Co., from Goldsboro, N. C., on or about November 4, 1922, and transported from the State of North Carolina into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "101 Lbs. Gross 100 Lbs. Net Scoco Cottonseed Feed Guaranteed Analysis Protein 36% * * * Manufactured By The Southern Cotton Oil Co. Charlotte, N. C."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein (ammonia) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the said label, "Guaranteed Analysis Protein 36%," was false and misleading and deceived and misled the purchaser in that the quantity of protein contained in the said article was less than 36 per cent.

On March 5, 1923, R. W. Miller, Culpeper, Va., having appeared as claimant for the property, and it having appeared to the court that the allegations of the libel were admitted to be true and that the product was for the personal use of the claimant and not for sale, it was ordered by the court that the product be released to the said claimant upon payment of the cost of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11654. Adulteration of oranges. U. S. v. 22 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17393. I. S. No. 2648-v. S. No. E-4333.)

On March 23, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 boxes of oranges, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Ozona Citrus Growers Assoc., Sutherland, Fla., alleging that the article had been shipped from Sutherland, Fla., on or about March 6, 1923, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Brand * * * Sealdsweet * * * Ozona Citrus Growers Assn. Ozona, Florida."

Adulteration of the article was alleged in the libel for the reason that inedible tree-dried oranges had been substituted in whole or in part for edible juicy oranges, which the product purported to be.

On March 29, 1923, 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 destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11655. Adulteration and misbranding of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17578. I. S. No. 4232-v. S. No. C-4057.)

On June 26, 1923, the United States attorney for the Northern 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 praying the seizure and condemnation of 45 tubs of butter, remaining unsold in the original tubs at Chicago, Ill., alleging that the article had been shipped by the Montello Buffalo Shield Creamery Co., from Montello, Wis., June 11, 1923, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so

as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article.

Misbranding was alleged for the 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 June 30, 1923, T. F. Gallagher, trading as Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department and that the tubs be marked with the net contents thereof.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11656. Adulteration of oranges. U. S. v. 500 Bushels of Oranges, Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17580. I. S. Nos. 3498-v, 3499-v. S. No. E-4421.)

On June 27, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 bushels of oranges at Atlanta, Ga., alleging that the article had been shipped by G. J. Anderson [E. K. Anderson], from Florence Villa, Fla., on or about June 25, 1923, and transported from the State of Florida into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, decomposed oranges and tree-dried oranges, which were inedible and unmerchantable, had been mixed with the article so as to reduce, lower, and injuriously affect its quality, for the further reason that inedible, dry, and unmerchantable oranges had been substituted in part for edible, juicy, and merchantable oranges, and for the further reason that the said article consisted in part of a decomposed vegetable substance, to wit, rotten oranges, tree-dried oranges, and inedible oranges.

On June 28, 1923, W. F. Allen, claimant having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that the claimant separate all the inedible, dry, or rotten oranges from the product and that they be not disposed of in violation of the law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11657. Adulteration of butter. U. S. v. 33 Tubs of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 17589. I. S. No. 1858-v. S. No. E-4424.)

On July 2, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 33 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Lebanon Creamery Co., Lebanon, Mo., on or about June 1, 1923, and transported from the State of Missouri into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged for the further reason that a substance, to wit, a product deficient in milk fat and high in moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

On July 6, 1923, H. P. Belknap, trading as George A. Fales Co., Boston, Mass., having entered an appearance as claimant for the property and having