of protein, whereas, in truth and in fact, it did contain less than 20 per cent of protein, the consignments containing approximately 17.31 per cent and 18.34 per cent, respectively, of protein.

On June 19, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

HOWARD M. GORE, *Secretary of Agriculture.*

12422. Misbranding of oats. U. S. v. 100 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18633. I. S. No. 18062-v. S. No. C-4351.)

On April 30, 1924, the United States attorney for the Northern District of Mississippi, 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 100 sacks of oats, at Okolona, Miss., alleging that the article had been shipped by the Mississippi Elevator Co., Memphis, Tenn., April 19, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was billed and invoiced as oats.

Misbranding of the article was alleged in the libel for the reason that it contained an admixture of oats containing moisture, wild oats, barley skimmings, rye, corn, chaff, dirt, and foreign material, and was offered for sale under the distinctive name of oats. Misbranding was alleged for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and (or) numerical count.

On June 20, 1924, the Mississippi Elevator Co. having appeared as claimant for the property, 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 $500, in conformity with section 10 of the act, conditioned in part that the product be relabeled in accordance with law.

HOWARD M. GORE, *Secretary of Agriculture.*

12423. Adulteration and misbranding of oil. U. S. v. 16 Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15809. I. S. No. 5554-t. S. No. E-3795.)

On March 7, 1922, the United States attorney for the District of Rhode Island, 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 16 cans of oil remaining in the original unbroken packages at Providence, R. I., consigned by Campas & Co., New York, N. Y., alleging that the article had been shipped on or about December 16, 1921, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the label bore the following statements regarding the article and the ingredients or substances contained therein, "Olio Puro La Vittoria Degli Alleati Brand * * * Soya Bean Oil Flavored Slightly With Pure Olive Oil * * * Net Contents One Gallon * * * Qualità Superiore * * * Olio De Tavola Garentito Puro * * * Packed by Oriental Importing Co.," which, together with a design or device showing an Italian soldier kneeling before a crowned female holding an Italian flag, a map showing Italy and environs, and the use of the Italian language, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when not so, and for the further reason that it was falsely branded as to the country in which it was manufactured or produced.

On June 12, 1924, 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, *Secretary of Agriculture.*