

12426. Adulteration of frozen eggs. U. S. v. 1,114 Cases of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond to be sorted. (F. & D. No. 18682. I. S. No. 16022-v. S. No. E-4840.)

On May 13, 1924, 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 1,114 cases of frozen eggs remaining in the original unbroken packages at Philadelphia, Pa., consigned by Sam Sugars, San Antonio, Texas, alleging that the article had been shipped from San Antonio, Texas, on or about April 28, 1924, and transported from the State of Texas into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

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

On May 29, 1924, the New York Buyers Assoc. 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 \$7,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12427. Misbranding of olives. U. S. v. 2 Cases Queen Olives et al. Product ordered released under bond to be relabeled. (F. & D. No. 18681. I. S. Nos. 12610-v, 12613-v, 12615-v. S. No. E-4833.)

On May 13, 1924, 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 praying the seizure and condemnation of 4 cases of olives, remaining in the original unbroken packages at Baltimore, Md., consigned by the F. H. Leggett Co., Landisville, N. J., in various consignments, namely, on or about December 14, 1923, and March 18 and March 21, 1924, respectively, alleging that the article had been shipped from Landisville, N. J., and transported from the State of New Jersey into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: "Queen Olives 9 Oz.," "Stuffed Manzanilla Selected Olives 4 Oz.," "Queen Olives 9 Oz. * * * Stuffed with Peppers."

Misbranding of the article was alleged in the libel for the reason that the statements, "9 Oz." and "4 Oz.," appearing on the respective-sized bottles containing the said articles, were false and misleading and deceived and misled the purchaser. 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 June 20, 1924, the Jordan Stabler Co., Baltimore, Md., having appeared as claimant for the property and having admitted the material allegations of the libel but having averred that the misbranding was a mistake on the part of the packer, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceeding and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, and that the product be not disposed of until it had been relabeled to the satisfaction of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12428. Misbranding of cottonseed meal. U. S. v. Dallas Oil & Refining Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 18090. I. S. Nos. 11384-v, 11389-v.)

On March 17, 1924, the United States attorney for the Northern District of Texas, 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 Dallas Oil & Refining Co., a corporation, Dallas, Texas, alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about November 9, 1922, and February 21, 1923, respectively, from the State of Texas into the State of New Mexico, of quantities of cottonseed meal which was misbranded. A portion of the article was labeled in part: (Tag) "Texoma Brand Prime Cotton Seed Cake and Meal * * * Guaranteed Analysis Protein, not less than 43%." The remainder of the