On September 4, 1924, Fitch Cornell & Co., New York, N. Y., 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 $2,400, or the deposit of collateral in an equal amount, conditioned in part that the said product be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12632. Misbranding of canned tomatoes. U. S. v. 400 Cases of Canned Tomatoes. Judgment ordering product released under bond. (F. & D. Nos. 18274, 18275. I. S. No. 16502-v. S. No. E-4726.)

On January 26, 1924, the United States attorney for the Western District of North Carolina, 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 400 cases of canned tomatoes, at Greensboro, N. C., alleging that the article had been shipped by Arrington Bros., Montvale, Va., October 20, 1923, and transported from the State of Virginia into the State of North Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Smyrna Special Brand Tomatoes Contents 2 Pounds Packed By Arrington Bros., Montvale, Va."

Misbranding of the article was alleged in the libel for the reason that the statement, "Contents 2 Pounds," was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 10, 1924, the Veazy Chambers Co. and Patterson Bros., Greensboro, N. C., having appeared as claimants for respective portions of the article, and the said claimants having paid the costs of the proceedings and executed a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled, and the product having been delivered to the claimant, it was ordered by the court that the case be dismissed.

HOWARD M. GORE, *Secretary of Agriculture.*

12633. Adulteration and misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17038. I. S. No. 3168-v. S. No. E-1243.)

On December 18, 1922, the United States attorney for the Southern District of Florida, 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 400 sacks of cottonseed meal, remaining in the original unbroken packages at Jacksonville, Fla., consigned by the Empire Cotton Oil Co., Cordele, Ga., alleging that the article had been shipped from Cordele, Ga., on or about November 20, 1922, and transported from the State of Georgia into the State of Florida, 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 low in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled, "Cottonseed Meal Guaranteed Analysis Protein 36%," which statement was false and misleading and deceived and misled the purchaser, since the said product was deficient in protein. 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.

On January 11, 1923, Seals & Webster, Jacksonville, Fla., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product should 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 if it be sold or disposed of in any form or branding, said branding should accurately and correctly describe the said product.

HOWARD M. GORE, *Secretary of Agriculture.*