

12634. Alleged misbranding of unbolted meal. U. S. v. 361 Sacks of Ground Unbolted Meal. Product released upon payment of costs. (F. & D. No. 18547. I. S. No. 7413-v. S. No. C-4021.)

On April 9, 1924, the United States attorney for the Middle District of Alabama, 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 361 sacks of ground unbolted meal, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the City Mills Co., from Columbus, Ga., March 8, 1924, and transported from the State of Georgia into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pearce's Old Style Water Ground Unbolted Meal From City Mills Co. Columbus, Ga. Water Ground 96 Lbs. When packed" (or "48 Lbs. When Packed" or "24 Lbs. When Packed").

Misbranding of the article was alleged in the libel for the reason that the respective statements, "96 Lbs.," "48 Lbs.," and "24 Lbs. when packed," 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 May 15, 1924, the sacks having been rebranded to show the exact weight and the court having determined that the shortage of from 1 to 3 pounds in each 96 pounds was so slight as to be almost if not altogether negligible and that the product was not misbranded or adulterated, it was ordered by the court that the product be delivered to the claimants, Schloss & Kahn Grocery Co., Montgomery, Ala., and that the claimants pay the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12635. Adulteration and misbranding of canned oysters. U. S. v. 42 Cases of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18535. I. S. No. 7412-v. S. No. C-4326.)

On May 15, 1924, the United States attorney for the Middle District of Alabama, 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 42 cases of oysters, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by E. C. Joullian Packing Co., from Lakeshore, Miss., February 29, 1924, and transported from the State of Mississippi into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Lord Baltimore Brand Oysters Net Weight Contents 5 Oz. Packed By E. C. Joullian Packing Co. Lake Shore, Miss."

It was alleged in substance in the libel that a substance, excessive brine, had been mixed and packed with and substituted wholly or in part for the said article, in violation of sections 7 and 8 of the said act.

On July 29, 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.*

12636. Adulteration and misbranding of cottonseed meal. U. S. v. 670 Sacks, et al., of Cottonseed Meal. Default decrees ordering product sold. (F. & D. Nos. 18594, 18625. I. S. Nos. 18226-v, 18228-v. S. Nos. C-4026, C-4027.)

On April 17 and April 24, 1924, respectively, the United States attorney for the Middle District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 740 sacks of cottonseed meal, remaining in the original unbroken packages in part at Hartford, Ala., and in part at Dothan, Ala., alleging that the article had been shipped by the Planters Oil Co., from Albany, Ga., in part February 27, and in part March 22, 1924, and transported from the State of Georgia into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "99 Pounds Net Standard Cottonseed Meal Guaranteed Analysis, Protein 36%, Ammonia 7%."

Adulteration of the article was alleged in substance in the libels for the reason that a substance low in ammonia had been mixed and packed with and substituted wholly or in part for the said article.