

tion of 150 sacks of cottonseed cake, remaining in the unbroken packages at Wallace, Kans., alleging that the article had been shipped by the Munday Cotton Oil Co., from Munday, Tex., on or about February 1, 1925, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Pounds (Net) 43 Per Cent Protein Cottonseed Cake Munday Cotton Oil Company, Munday, Texas."

Misbranding of the article was alleged in the libel for the reason that the statement "100 Pounds (Net) 43 Per Cent Protein" was false and misleading and calculated to induce the purchaser to believe that the said article contained not less than 43 per cent of protein, whereas it contained a much less amount than 43 per cent of protein. 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 26, 1925, the Munday Cotton Oil Co., Munday, Tex., 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 it be relabeled to show its true contents.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13493. Misbranding and alleged adulteration of canned oysters. U. S. v. 39 Cases of Canned Oysters. Decree entered, adjudging product misbranded and ordering its destruction. (F. & D. No. 19953. I. S. No. 14739-v. S. No. C-4694.)

On March 31, 1925, the United States attorney for the Eastern District of Tennessee, 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 39 cases of canned oysters, at Morristown, Tenn., alleging that the article had been shipped by the Marine Products Co., from Biloxi, Miss., on or about January 21, 1925, and transported from the State of Mississippi into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Marine Oysters Contents 4 Ounces Oyster Meat Marine Products, Inc. New Orleans, La. Distributors."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, 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 statement "Marine Oysters Contents 4 Ounces Oyster Meat" was false and misleading and intended to deceive and mislead the purchaser, and 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 25, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering that it be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13494. Misbranding of cottonseed cake. U. S. v. 200 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19897. I. S. No. 23882-v. S. No. C-4681.)

On March 14, 1925, the United States attorney for the District of Kansas, 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 200 sacks of cottonseed cake, remaining in the unbroken packages at Hutchinson, Kans., alleging that the article had been shipped by the Choctaw Cotton Oil Co., from Shawnee, Okla., on or about October 28, 1924, and transported from the State of Oklahoma into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Protein Not less than 43% * * * Silo Brand Choctaw Cotton Oil Co. Kansas City, Mo."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein Not less than 43%," borne on the labels, was false and misleading and calculated to induce the purchaser to believe that the article

contained not less than 43 per cent of protein, whereas it contained a much less amount than 43 per cent of protein.

On March 25, 1925, the Choctaw Cotton Oil Co., Kansas City, Mo., 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 it be relabeled to show its true contents.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13495. Adulteration and misbranding of gray shorts and screenings. U. S. v. 60 Sacks of Gray Shorts and Screenings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19571. I. S. No. 22713-v. S. No. C-4643.)

On or about February 19, 1925, the United States attorney for the Western District of Louisiana, 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 60 sacks of gray shorts and screenings, remaining in the original unbroken packages at Monroe, La., alleging that the article had been shipped by J. F. Weinmann Milling Co., from Little Rock, Ark., on or about January 19, 1925, and transported from the State of Arkansas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wheat Gray Shorts and Screenings."

Adulteration of the article was alleged in the libel for the reason that an added substance, to wit, brown shorts, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Wheat Gray Shorts," printed on the sacks containing the article, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 9, 1925, the Southern Grocer Co. (Ltd.), Monroe, La., 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 \$100, in conformity with section 10 of the act, conditioned in part that it be properly relabeled in accordance with law.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13496. Misbranding of wheat gray shorts and screenings. U. S. v. 400 Sacks of Wheat Gray Shorts and Screenings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20031. I. S. No. 22001-v. S. No. C-4437.)

On July 11, 1924, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of wheat gray shorts and screenings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by B. C. Christopher & Co., Kansas City, Mo., on or about July 3, 1924, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in substance in the libel for the reason that the tags on the sacks containing the article stated that the contents thereof was wheat gray shorts and screenings, whereas the said article was not wheat gray shorts, in that a necessary ingredient had been abstracted in the process of manufacture, creating an article in imitation of and offered for sale under the distinctive name of another article, so as to deceive and mislead the purchaser thereof.

On July 25, 1924, B. C. Christopher & Co., Kansas City, Mo., having appeared as claimant for the property and having 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 \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true contents.

C. F. MARVIN, *Acting Secretary of Agriculture.*