

Misbranding was alleged for the reason that the statements "50% Protein * * * Meat & Bone Scrap Guaranteed Analysis Min. Protein 50.00% * * * Max. Fiber 2.00%," borne on the label, were 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 January 5, 1927, the Berg Co., Philadelphia, Pa., 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 \$1,000, conditioned in part that it not be sold or disposed of until relabeled to show its contents, and inspected and approved by a representative of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14838. Misbranding of cottonseed cake. U. S. v. 500 Sacks of Misbranded Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21488. I. S. No. 15190-x. S. No. W-2064.)

On or about December 23, 1926, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 sacks of misbranded cottonseed cake, at Pilot Rock, Oreg., alleging that the article had been shipped by the Coleman Cotton Oil Mill, from Coleman, Tex., on or about December 6, 1926, and transported from the State of Texas into the State of Oregon, in violation of the food and drugs act. The article was labeled in part: "'Army' Brand Cotton Seed Cake And Meal * * * Guaranteed Analysis Protein, not less than 43% Louis Tobian & Co. Dallas, Texas."

It was alleged in substance in the libel that the statement on the label, "Protein, not less than 43%," was in violation of section 8 of the act, general paragraph and paragraphs 2 and 4, in that the said statement was false and misleading and deceived and misled the purchaser.

On December 27, 1926, Wood-Baxter & Co. having appeared as claimants 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 claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or otherwise disposed of until relabeled in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

14839. Misbranding of sweet toasted almonds. U. S. v. 3 Cases, et al., of Almonds. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21319, 21320. I. S. Nos. 11047-x, 11048-x. S. Nos. W-2028, W-2029.)

On October 8, 1926, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 8 cases of almonds, remaining in the original unbroken packages in part at Everett, Wash., and in part at Bellingham, Wash., alleging that the article had been shipped by the California Almond & Nuts Products Co., from Long Beach, Calif., September 24, 1926, and transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "All Sweet Toasted Almonds from California. A Product Of California Almond Confections Company Long Beach, California Net Weight 1 Ounce."

It was alleged in the libels that the article was short weight and was misbranded, in that the statement "Net Weight 1 Ounce," borne on the label, was 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 January 11, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*