

company, and the court imposed a fine of \$400. Counts 1, 3, and 5 of the information, involving the adulteration charges, were dismissed by the court.

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

14874. Misbranding of cottonseed cake. U. S. v. 700 Sacks of Cottonseed Cake. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 21458. I. S. No. 15141-x. S. No. W-1891.)

On December 14, 1926, the United States attorney for the District of Colorado, 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 700 sacks of cottonseed cake, remaining in the original unbroken packages at Walden, Colo., consigned by the Brownwood Cotton Oil Mill, Brownwood, Tex., alleging that the article had been shipped from Brownwood, Tex., on or about December 1, 1926, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Cake Prime Quality Manufactured by Brownwood Cotton Oil Mill Brownwood, Texas Guaranteed Analysis: Protein not less than 43.00 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein not less than 43.00 per cent," borne on the label, was false and misleading and deceived and misled the purchaser, since the said article did not contain 43 per cent of protein.

On February 4, 1927, C. R. Garner & Co., Walden, Colo., claimant, having admitted the allegations of the libel and having consented that judgment of condemnation be entered, and the said claimant having executed a bond in the sum of \$1,000, conditioned that the product not be sold or otherwise disposed of contrary to law, it was ordered by the court that the product be delivered to the claimant upon payment of the costs of the proceedings.

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

14875. Misbranding of cottonseed cake. U. S. v. 600 Sacks of Cottonseed Cake. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21474. I. S. No. 15187-x. S. No. W-2062.)

On December 20, 1926, the United States attorney for the District of Wyoming, 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 600 sacks of cottonseed cake, remaining in the original unbroken packages at Worland, Wyo., alleging that the article had been shipped by the Brownwood Cotton Oil Mill, Brownwood, Tex., on or about December 1, 1926, and transported from the State of Texas into the State of Wyoming, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Cake Prime Quality Manufactured by Brownwood Cotton Oil Mill Brownwood, Texas Guaranteed Analysis: Protein not less than 43.00 per cent."

It was alleged in the libel that the article was misbranded, in that the label bore a statement that each of the said sacks contained 43 per cent of protein, which said statement was false and misleading and deceived and misled the purchaser, since each of the sacks contained less than 43 per cent of protein.

On January 31, 1927, J. F. Smith, William B. Traynor, and Nathan B. Higbee, all of Chicago, Ill., trustees of the Brownwood Cotton Oil Mill, an unincorporated common-law trust association, of Brownwood, Tex., having appeared as owners of the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said owners upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,900, conditioned in part that it be relabeled to show the contents thereof, particularly the amount of protein therein.

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

14876. Adulteration and misbranding of terpeneless lemon extract. U. S. v. 24 Dozen Bottles of Terpeneless Lemon Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15380. I. S. Nos. 208-t, 209-t. S. No. C-3211.)

On September 15, 1921, the United States attorney for the Eastern District of Illinois, 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 24 dozen bottles of terpeneless lemon extract, consigned by the

Kane Remedy Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., in part on or about April 21, 1921, and in part on or about June 2, 1921, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "The Kane 4 Ozs. Terpeneless Lemon Extract Distributed by Kane Extract Company, St. Louis, Mo."

Adulteration of the article was alleged in the libel for the reason that diluted terpeneless lemon extract had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Terpeneless Lemon Extract," was false and misleading and deceived and misled the purchaser, for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, 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, because the quantity stated was not correct.

At the November term, 1926, 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.

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

14877. Misbranding of cottonseed meal. U. S. v. 120 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21453. I. S. No. 15121-x. S. No. W-1889.)

On December 11, 1926, the United States attorney for the District of Colorado, 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 120 sacks of cottonseed meal, remaining in the original unbroken packages at Iola, Colo., consigned by the Sweetwater Cotton Oil Co., Sweetwater, Tex., alleging that the article had been shipped from Sweetwater, Tex., on or about November 30, 1926, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Meal Prime Quality Manufactured By Sweetwater Cotton Oil Company, Sweetwater, Texas Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

It was alleged in the libel that the article was misbranded, in that the statement "Crude Protein not less than 43.00 Per Cent," borne on the label, was false and misleading and deceived and misled the purchaser, since the said article did not contain 43 per cent of protein.

On December 31, 1926, the Sweetwater Cotton Oil Co., Sweetwater, Tex., claimant, having admitted the allegations of the libel 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, conditioned in part that it not be sold or otherwise disposed of contrary to law.

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

14878. Misbranding of cottonseed meal and cake. U. S. v. 150 Sacks of Cottonseed Meal and 450 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21462. I. S. Nos. 15138-x, 15139-x. S. No. W-1893.)

On December 14, 1926, the United States attorney for the District of Colorado, 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 150 sacks of cottonseed meal and 450 sacks of cottonseed cake, remaining in the original unbroken packages at Las Animas, Colo., consigned by the Coleman Cotton Oil Mill, Coleman, Tex., alleging that the article had been shipped from Coleman, Tex., or on about November 30, 1926, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Meal" (or "Cake") "Prime Quality Manufactured by Coleman Cotton Oil Mill Coleman, Texas, Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."