

16210. Adulteration of cashew nuts. U. S. v. 11 Cases of Cashew Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23224. I. S. No. 03613. S. No. 1331.)

On December 5, 1928, the United States attorney for the Southern District of New York, 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 11 cases of cashew nuts, remaining in the original unbroken packages at New York, N. Y., consigned by Lavitola Mastroti, Cape Haiti, Haiti, alleging that the article had been shipped from Cape Haiti, Haiti, on or before December 1, 1928, and transported from Haiti, into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Nones Airpack Cashews Whole."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, paragraph 6, under food, in that it consisted in whole or in part of wormy nuts.

On January 16, 1929, A. Nones & Co., New York, N. Y., 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 costs and the execution of a bond in the sum of \$500, conditioned in part that the good portion be separated from the bad portion and the latter destroyed or denatured under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16211. Misbranding of cottonseed cake. U. S. v. 500 Sacks of Cottonseed Cake. Default decree of condemnation and forfeiture. Product ordered sold or released under bond. (F. & D. No. 23273. I. S. No. 04784. S. No. 1386.)

On December 24, 1928, 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 500 sacks of cottonseed cake, remaining unsold in the original unbroken packages at Worland, Wyo., consigned by the Dallas Oil & Refining Co., Dallas, Tex., alleging that the article had been shipped from Dallas, Tex., on or about December 11, 1928, and transported from the State of Texas into the State of Wyoming, and charging misbranding in violation of the food and drugs act.

It was alleged in substance in the libel that the article was misbranded in that the label bore the following statements: "100 Pounds Net Cotton Seed Cake or Meal, Manufactured by Dallas Oil & Refining Co., Dallas, Texas. Analysis Protein 43 per cent," which statements were false and misleading and deceived and misled the purchaser, since the article did not contain 43 per cent of protein, but did contain a much smaller percentage of protein.

On January 29, 1929, 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 sold by the United States marshal. It was further ordered by the court that the product might be delivered to the owner or owners upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be disposed of contrary to law; and it was further ordered that the United States marshal, before delivery of the product to the owner or purchaser, require them to relabel it as required by law, and particularly to state the amount of crude protein therein.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16212. Adulteration and misbranding of spirits of nitre. U. S. v. 11 Dozen Bottles of Spirits of Nitre. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20841. I. S. No. 7219-x. S. No. E-5638.)

On February 13, 1926, the United States attorney for the Western District of Virginia, 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 11 dozen bottles of spirits of nitre, remaining in the original unbroken packages at Charlottesville, Va., consigned about December 22, 1925, alleging that the article had been shipped by the W. H. Crawford Co., from Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act.