

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.

Misbranding was alleged in substance for the reason that the statement, "Standard Cottonseed Meal Guaranteed Analysis Protein 36%, Ammonia 7%," was false and misleading and deceived and misled the purchaser.

On May 29, 1924, 35 sacks of the product having been seized and no claimant having appeared therefor, judgments of the court were entered, finding the product to be adulterated and misbranded and ordering that it be sold by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12637. Adulteration and misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Product released under bond to be used for fertilizer. (F. & D. No. 17215. I. S. No. 3403-v. S. No. E-4300.)

On January 31, 1923, the United States attorney for the Western District of North Carolina, 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 250 sacks of cottonseed meal at Hendersonville, N. C., alleging that the article had been shipped by the Southern Cotton Oil Co., Waynesboro, Ga., December 27, 1922, and transported from the State of Georgia into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Good Cotton Seed Meal * * * Guaranteed Analysis Protein, not less than 36%."

Adulteration of the article was alleged in the libel for the reason that a product deficient in protein had been mixed and packed therewith and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the labels bore the statement, "Good Cotton Seed Meal Guaranteed Analysis Protein, not less than 36%," which was false and misleading and deceived and misled the purchaser.

On August 1, 1923, the Southern Cotton Oil Co., claimant, having paid the costs of the proceedings and executed a bond in the sum of \$1,000, in conformity with section 10 of the act, judgment of the court was entered, ordering that the product be released to the said claimant to be used for fertilizer purposes.

HOWARD M. GORE, *Secretary of Agriculture.*

12638. Adulteration and alleged misbranding of canned salmon. U. S. v. 239 Cases of Canned Salmon. Default decree of condemnation and forfeiture. Product disposed of for fish food. (F. & D. No. 14388. I. S. No. 10541-t. S. No. W-856.)

On January 31, 1921, the United States attorney for the Western District of Washington, 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 239 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Central Alaska Fisheries, Inc., from Drier Bay, Alaska, and transported from the Territory of Alaska into the State of Washington, reaching Seattle on or about August 30, 1920, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Pal Brand Superior Firm Flake Red Alaska Salmon * * * packed * * * By Central Alaska Fisheries, Inc., At Drier Bay, Prince William Sound, Alaska Home Office, Berkeley, California."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statements on the label, "Superior Firm Flake Red Alaska Salmon * * * Packed for the Best Trade," were false and misleading and deceived and misled the purchaser.

On June 16, 1924, no claimant having appeared for the property, judgment of the court was entered, finding the product to be adulterated, and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be sold to the Washington State Fisheries Department to be used as fish food.

HOWARD M. GORE, *Secretary of Agriculture.*