13199. Misbranding of mixed feed. U. S. v. 100 Sacks of Mill Run Wheat Mixed Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 744–C. I. S. No. 22016–v. S. No. C–4502.)

On September 22, 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 100 sacks of mill run wheat mixed feed, remaining in the original unbroken packages at Pittsburg, Kans., alleging that the article had been shipped by the McDaniel Milling Co., from Carthage, Mo., on or about August 22, 1924, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libel for the reason that it contained no mark, brand, or label showing the net weight of the product.

On October 2, 1924, the McDaniel Milling Co., Carthage, 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 the true contents.

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13200. Adulteration and misbranding of assorted preserves. U. S. v. 40 Cases and 75 Cases of Preserves. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19186. I. S. Nos. 10392–v, 23053–v, 23062–v. S. No. C–4533.)

On November 20, 1924, 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 40 cases, each containing 2 dozen 14½-ounce jars, and 75 cases, each containing 1 dozen 44-ounce jars, of assorted preserves, remaining in the original unbroken packages at Arkansas City, Kans., alleging that the article had been shipped by the Goodwin Preserving Co., from Louisville, Ky., on or about July 14, 1924, and transported from the State of Kentucky into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "O B Brand Damson" (or "Raspberry" or "Strawberry" or "Blackberry" or "Peach" or "Cherry") "Preserves, With Apple Pectin * * * Goodwin Preserving Co. Incorporated Louisville, Ky. U. S. A.," the words "With Apple Pectin" being in relatively small type.

Adulteration of the article was alleged in the libel for the reason that an acidified compound strawberry (damson, raspberry, blackberry, cherry, or peach), as the case might be, and pectin preserve had been mixed and packed therewith so as to reduce, lower, or 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 statements in the labels "Strawberry," "Damson," "Raspberry," "Blackberry," "Cherry," or "Peach," as the case might be, "Preserves" were false and misleading and deceived and misled the purchaser and the said statements were not corrected by the inconspicuous statement "Apple Pectin." Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, for the further reason that it contained added tartaric acid, 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 packages.

On January 9, 1925, the Goodwin Preserving Co., Louisville, Ky., 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, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true contents.

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