

**13289. Misbranding of cottonseed meal. U. S. v. 1,400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19516. I. S. Nos. 22897-v, 22848-v. S. No. C-4617.)

On or about January 21, 1925, 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 the seizure and condemnation of 1,400 sacks of cottonseed meal, remaining in the original unbroken packages at Dupou, Ill., consigned by the Buckeye Cotton Oil Co., Memphis, Tenn., alleging that the article had been shipped from Memphis, Tenn., on or about January 8, 1925, and transported from the State of Tennessee into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Net Buckeye Prime Cottonseed Meal Manufactured By The Buckeye Cotton Oil Co. General Offices, Cincinnati, Ohio Protein 43.00 Per Cent Minimum \* \* \* Ammonia 8.37 Per Cent Minimum."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 43.00 Per Cent Minimum," appearing in the labeling, was false and misleading and deceived and misled the purchaser.

On February 12, 1925, the Ralston Purina Co., East St. Louis, Ill., having appeared as claimant for the property, judgment of the court was entered, finding the product liable to condemnation and forfeiture, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,500, in conformity with section 10 of the act.

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

**13290. Adulteration of canned sardines. U. S. v. 7 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19221. S. No. E-5036.)

On December 5, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 7 cases of sardines, remaining in the original unbroken packages at Haverhill, Mass., consigned by the Seacoast Canning Co., alleging that the article had been shipped from Eastport, Me., November 15, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sea Lion Brand American Sardines In Cottonseed Oil Packed By Seacoast Canning Co. Eastport, Me."

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

On April 3, 1925, 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.

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

**13291. Misbranding of oil. U. S. v. Reliable Importing Co. Plea of guilty. Fine, \$50.** (F. & D. No. 18739. I. S. Nos. 197-v, 15901-v.)

On March 10, 1925, 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 an information against the Reliable Importing Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about June 13, June 28, October 16, and October 20, 1923, respectively, from the State of New York into the State of Connecticut, of quantities of oil which was misbranded. The article was labeled in part: (Case) "12 ½-Gal Tins 'Contadina Brand,'" (Can) "Contadina Brand Superior Quality Oil Vegetable Salad Oil flavored slightly with Pure Olive Oil. A compound 0.98 Of Half Gallon Or 3¾ Lbs. Net."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that a portion of the product consisted of corn oil and the remainder thereof consisted of corn oil mixed with approximately 25 per cent of cottonseed oil. Examination by said bureau of 6 cans from the consignments showed an average volume of 0.481 gallon, or 3 pounds 11 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "½ Gal. Tins," borne on the cases, and the statements,

to wit, "flavored slightly with Pure Olive Oil," and "0.98 Of Half Gallon Or 3 $\frac{3}{4}$  Lbs. Net," borne on the cans containing the said article, were false and misleading, in that they represented that each of the said cans contained one-half gallon of the article, that it was flavored slightly with pure olive oil, and that each of the said cans contained 0.98 of a half gallon or 3 $\frac{3}{4}$  pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one-half gallon of the article, that it was flavored slightly with pure olive oil, and that each of the said cans contained 0.98 of a half gallon or 3 $\frac{3}{4}$  pounds net of the said article, whereas, in truth and in fact, each of the said cans did not contain one-half gallon of the article, it was not flavored slightly with pure olive oil, but was composed in large part of corn oil and contained an inappreciable amount, if any, of olive oil, and each of the said cans did not contain 0.98 of a half gallon or 3 $\frac{3}{4}$  pounds of the article but did contain a less amount. 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 April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**13292. Misbranding of olive oil and salad oil. U. S. v. Nicholas G. Makris. Plea of guilty. Fine, \$70.** (F. & D. No. 19287. I. S. Nos. 9826-v, 9827-v, 11517-v, 11518-v, 20649-v, 20650-v.)

On March 23, 1925, 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 an information against Nicholas G. Makris, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, from the State of New York into the State of Utah, in various consignments, namely, on or about March 8 and September 29, 1923, respectively, of quantities of olive oil, and on or about September 29 and October 13, 1923, respectively, of quantities of salad oil which were misbranded. The articles were labeled in part, respectively: (Can) "Makris Brand Imported Lucca Olive Oil \* \* \* Net Contents One-Gallon" (or "Net Contents Half Gallon" or "Net Contents One Quart") "B. G. Makris" and "Uncle Sam Oil Our Brand \* \* \* Winterpressed Vegetable Salad Oil \* \* \* Net Contents One Gallon Packed By B. G. Makris New York."

Examination by the Bureau of Chemistry of this department of 33 of the 1-gallon size cans, 30 of the half gallon size cans, and 41 of the 1-quart size cans of olive oil showed that they averaged 113.4, 61.7, and 30.6 fluid ounces, respectively. Examination by said bureau of 45 of the 1-gallon size cans of salad oil showed an average of 113.3 fluid ounces.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Net Contents One Gallon," "Net Contents Half Gallon," and "Net Contents One Quart," borne on the cans containing the respective articles, were false and misleading, in that they represented that the said cans contained 1 gallon, one half gallon, or 1 quart of the respective articles, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 1 gallon, one half gallon, or 1 quart of the respective articles, as the case might be, whereas the said cans did not contain the amounts declared on the labels but did contain less amounts. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 6, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$70.

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

**13293. Adulteration and misbranding of jams. U. S. v. 3,250 Jars of Strawberry Jam, et al. Consent decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 19869. I. S. Nos. 20374-v, 20375-v. S. No. W-1651.)

On March 4, 1925, the United States attorney for the Northern District of California, 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