

not less than 41 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein, whereas it did contain less than 41 per cent of protein, to wit, approximately 39 per cent of protein.

On March 10, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13381. Adulteration of blue cohosh. U. S. v. 17 Bales of Blue Cohosh. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 19547. I. S. No. 15566-v. S. No. E-4970.)

On or about January 31, 1925, the United States attorney for the Western 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 the seizure and condemnation of 17 bales of blue cohosh, at Buffalo, N. Y., alleging that the article had been shipped by S. B. Penick & Co. from Ashville, N. C., on or about November 1, 1924, and transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Cohosh."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that upon ignition it yielded 11 per cent of ash.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, or purity as determined by the test laid down in said formulary, in that it contained an excess of ash, and its own standard of strength, quality, and purity was not stated upon the container thereof.

On March 24, 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 sold by the United States marshal to purchasers who would dispose of it in accordance with the conditions prescribed by this department, and if no such purchasers be found that it be destroyed.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13382. Adulteration and misbranding of assorted fruit syrups. U. S. v. 22 Cases of Assorted Syrups. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19517. I. S. Nos. 19654-v to 19070-v, incl. S. No. C-4615.)

On or about January 21, 1925, the United States attorney for the Eastern District of Wisconsin, 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 22 cases of assorted syrups, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the articles had been shipped by the Orchard Products Co., from Chicago, Ill., on or about July 31, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Bottle) "Silver Buckle Brand * * * Cherry" (or "Raspberry" or "Blackberry" or "Grape" or "Loganberry" or "Strawberry" or "Pineapple"), as the case might be, "Syrup Flavored Artificially Colored."

Adulteration of the articles was alleged in the libel for the reason that artificially colored imitation products had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength and had been substituted wholly or in part for the said articles, and in that they had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the designation "Cherry" (or other fruit) "Syrup" was false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On May 17, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13383. Adulteration and misbranding of cottonseed meal. U. S. v. 320 Sacks of Cotton Seed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19545. I. S. No. 13495-v. S. No. E-5119.)

On February 1, 1925, the United States attorney for the Northern 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 the seizure and condemnation of 320 sacks of cottonseed meal, at Arkville, N. Y., alleging that the article had been shipped by the Ashcraft-Wilkinson Co., Wilson, N. C., on or about October 31, 1924, and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 lbs. * * * Cotton Seed Meal * * * Protein * * * 36.00 %."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Protein 36.00 %," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On May 6, 1925, the Ashcraft-Wilkinson Co., Atlanta, Ga., having appeared as claimant for the property 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it not be sold or shipped until rebranded "Cotton Seed Feed Ashcraft-Wilkinson Co., Atlanta, Ga., Guaranteed Analysis Protein (minimum) 33.00%, Ammonia (minimum) 6.45%, Crude Fiber (maximum) 16.50% Ingredients: Made from Upland Cottonseed."

C. F. MARVIN, *Acting Secretary of Agriculture.*

13384. Adulteration of tomato puree. U. S. v. 1,100 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20033. I. S. No. 13830-v. S. No. E-5268.)

On April 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 a libel praying the seizure and condemnation of 1,100 cases of tomato puree, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Wm. Silver & Co., from Aberdeen, Md., on or about October 20, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the food and drugs act.

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

On May 16, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13385. Adulteration of tomato paste. U. S. v. 124 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20034. I. S. No. 13813-v. S. No. E-5303.)

On April 22, 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 a libel praying the seizure and condemnation of 124 cases of tomato paste, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by William Silver & Co. (Inc.), from Aberdeen, Md., on or about December 30, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the food and drugs act.

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

On May 16, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*