

ment 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.*

**14146. Misbranding of horse and mule feed. U. S. v. 89 Sacks of Horse and Mule Feed. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20084. I. S. No. 16628-v. S. No. E-5311.)

On May 26, 1925, the United States attorney for the Eastern 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 89 sacks of horse and mule feed, at New Bern, N. C., alleging that the article had been shipped from East St. Louis, Ill., in two consignments, on or about March 27 and April 10, 1925, respectively, and transported from the State of Illinois into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "100 Pounds Net High Kick Horse and Mule Feed Manufactured by Alforcorn Milling Company East St. Louis, Ill. Guaranteed Average Analysis Protein 10.00% Fat 2.00%."

Misbranding of the article was alleged in the libel for the reason that the statements "Guaranteed Average Analysis Protein 10.00%" and "Fat 2.00%," borne on the label, were false and misleading and deceived and misled the purchaser, in that an analysis of the product showed that it was deficient in protein and fat.

On March 11, 1926, 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.*

**14147. Misbranding of compound jams. U. S. v. 111 Cases and 50 Cases of Jam. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20255, 20267. I. S. Nos. 1-x to 9-x, incl. S. Nos. W-1748, W-1749.)

On or about July 24 and 30, 1925, the United States attorney for the Southern District of California, 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 161 cases of jam, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Everett Fruit Products Co., from Everett, Wash., on or about April 30, 1925, and transported from the State of Washington into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled, variously: (Jar) "Everett Compound \* \* \* Strawberry" (or "Blackberry" or "Raspberry" or "Loganberry") "Jam \* \* \* Everett Fruit Products Co. Everett, Wash. 15 Ozs."

Misbranding of the article was alleged in the libel for the reason that the statement, "15 Ozs.," borne on the labels, was false and misleading, 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 package.

On January 27, 1926, the cases having been consolidated and the Everett Fruit Co., Everett, Wash., claimant, having admitted the allegations of the libels and 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 be relabeled in a manner satisfactory to this department.

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

**14148. Misbranding of dairy feed. U. S. v. Early & Daniel Co. Plea of guilty. Fine, \$100.** (F. & D. No. 19725. I. S. Nos. 10472-v, 10473-v.)

On February 16, 1926, the United States attorney for the Southern District of Ohio, 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 Early & Daniel Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about November 11, 1924, and January 21, 1925, respectively, from the State of Ohio into the State of Kentucky, of quantities of dairy feed which was misbranded. The article was labeled in part: (Tag) "Miami Dairy Feed Made By

Miami Elevator, Elizabethtown, Ohio Guaranteed Analysis Protein 16.00 Per Cent."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 16.00 Per Cent," borne on the tags, was false and misleading, in that the said statement represented that the article contained not less than 16 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 16 per cent of protein, whereas the said article did contain less than 16 per cent of protein, the two consignments containing approximately 12.87 per cent and 15.19 per cent, respectively, of protein.

On February 27, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**14149. Misbranding of canned herring roe. U. S. v. 90 Cases of Herring Roe. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20127. I. S. No. 3695-v. S. No. E-5339.)**

On June 19, 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 90 cases of herring roe, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by A. J. Lewis Sons, from Walnut Point, Va., on or about May 7, 1925, and transported from the State of Virginia into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Robin Hood Brand Herring Roe Contents 10 Oz. 283 Grams."

Misbranding of the article was alleged in the libel for the reason that the statement, "Contents 10 Oz. 283 Grams," borne on the labels, was false and misleading and deceived and misled the purchaser, 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 package.

On March 11, 1926, R. C. Williams & Co., Inc., 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 the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department so that the statement of the quantity of the contents should read: "9 Ounces."

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

**14150. Adulteration of canned tomato pulp. U. S. v. 2,400 Cases of Tomato Pulp. Decree of condemnation and forfeiture entered. Product ordered destroyed. (F. & D. No. 20679. I. S. No. 9503-x. S. No. C-4895.)**

On or about December 1, 1925, the United States attorney for the Western District of Tennessee, 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 2,400 cases of tomato pulp, at Memphis, Tenn., alleging that the article had been shipped by the Morgan & Adams Co., from Cayuga, Ind., on or about November 4, 1925, and transported from the State of Indiana into the State of Tennessee, 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 whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 13, 1926, 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.*