

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 \$4,000, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture*

**15190. Adulteration and misbranding of cottonseed meal. U. S. v. 40 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture and sale. (F. & D. No. 21500. I. S. No. 15219-x. S. No. W-2067.)**

On December 27, 1926, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 sacks of cottonseed meal, remaining unsold in the original packages at Nara Visa, N. Mex., alleging that the article had been shipped by the Chillicothe Cotton Oil Co., Chillicothe, Tex., December 13, 1926, and transported from the State of Texas into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "43 Per Cent Protein Cottonseed Meal, Prime Quality."

Misbranding of the article was alleged in substance in the libel for the reason that the statements, to wit, "43 Per Cent Protein Cottonseed Meal," borne by the label, were false and misleading and intended to deceive and did deceive the purchaser.

Adulteration was alleged for the reason that a product containing less than 43 per cent of protein had been substituted for 43 per cent protein cottonseed meal which the said article purported to be.

On May 6, 1927, 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.

W. M. JARDINE, *Secretary of Agriculture*

**15191. Adulteration of tomato paste. U. S. v. 51 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21534. I. S. No. 12475-x. S. No. C-5308.)**

On January 15, 1927, the United States attorney for the Northern 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 seizure and condemnation of 51 cases of tomato paste, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by John S. Mitchell, from Sharpsville, Ind., November 22, 1926, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "The Liberty Bell Brand Concentrated Tomato Concentrato Di Pomodoro \* \* \* Packed Expressly For R. Gerber & Co. Chicago."

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

On June 10, 1927, John S. Mitchell, Inc., Sharpsville, Ind., 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 salvaged and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture*

**15192. Adulteration of oranges. U. S. v. 1 Freight Car of Oranges in Bulk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21892. I. S. No. 11679-x. S. No. C-5457.)**

On or about April 6, 1927, the United States attorney for the Middle District of Tennessee, acting upon a report by an official of the State of Tennessee, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 freight car of oranges in bulk, at Nashville, Tenn., alleging that the article had been shipped by the Florida Citrus Exchange, Tampa, Fla., from Lake Hamilton, Fla., on or about April 1, 1927, and transported from the State of Florida into the State of Tennessee, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed material.

On April 8, 1927, C. P. Cooney, Nashville, Tenn., 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 \$500, conditioned in part that it be salvaged under the supervision of this department, and the unfit portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

**93. Adulteration of oranges. U. S. v. 372 Boxes of Oranges. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21894. I. S. No. 12495-x. S. No. C-5461.)**

On April 20, 1927, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 372 boxes of oranges, remaining unsold in the original packages at Cincinnati, Ohio, consigned by the West Coast Fruit Co., Clearwater, Fla., about April 16, 1927, alleging that the article had been shipped in interstate commerce from Clearwater into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (box) "OKE Brand West Coast Fruit Co. Shippers of Grape Fruit and Oranges Clearwater, Florida," (tissue wrapper) "West Coast Fruit Co., Clearwater, Florida."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted of a decomposed vegetable substance.

On April 22, 1927, the West Coast Fruit Co., Clearwater, Fla., having appeared as claimant for the property and having admitted the allegations of the libel, 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 salvaged by removing all decomposed fruit for destruction.

W. M. JARDINE, *Secretary of Agriculture.*

**94. Adulteration of oranges. U. S. v. 398 Boxes of Oranges. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21893. I. S. No. 12494-x. S. No. C-5458.)**

On April 19, 1927, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 398 boxes of oranges, remaining unsold in the original packages at Cincinnati, Ohio, consigned by the Gentile Bros. Co., Brooksville, Fla., about April 15, 1927, alleging that the article had been shipped from Brooksville, Fla., in interstate commerce into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (box) "Gentile Bros. Oranges and Grapefruit \* \* \* Gentile Bros. Co. Shippers Orlando, Fla." (tissue wrapper) "Diamond G Trade Mark G Gentile Bros. Co., Orlando, Fla."

Examination of the article by this department showed that it consisted wholly in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted of a decomposed vegetable substance.

On April 22, 1927, the Joseph Gentile Co., Cincinnati, Ohio, having appeared as claimant for the property and having admitted the allegations of the libel, 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 salvaged by removing all decomposed fruit for destruction.

W. M. JARDINE, *Secretary of Agriculture.*