

of the Food and Drugs Act, as amended. The 25  $\frac{1}{2}$ -gallon cans were labeled in part, "Extra Pure Olive Oil \* \* \*  $\frac{1}{2}$  Gallon Net," and the 5-gallon cans were unlabeled, but were shipped as and represented by the shipper to be olive oil.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith and substituted for olive oil so as to reduce, lower, and injuriously affect its quality.

Misbranding of the article was alleged in substance for the reason that the  $\frac{1}{2}$ -gallon cans bore a statement regarding the contents thereon, representing that it was pure olive oil, which statement was false and misleading and calculated to deceive the purchaser. Misbranding was alleged for the further reason that the article contained in the 5-gallon cans was intended [for] and was offered for sale under the distinctive name of another article, to wit, olive oil, whereas, in truth and in fact, said article was not olive oil. Misbranding of the article in the 5-gallon cans was alleged for the further reason that it was food in package form, and the quantity of the contents was not stated on the outside of the package or can.

On May 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be labeled so as to plainly indicate that said oil was a compound or blend of cottonseed oil and olive oil, and should be plainly and conspicuously marked, each can on the outside thereof, in terms of measure with the correct quantity of the contents, and that it should be sold either at public or private sale by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**7225. Adulteration and misbranding of Daisy Dairy Feed. U. S. \* \* \* v. 200 Cases of Daisy Dairy Feed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9995. I. S. No. 16306-r. S. No. E-1283.)**

On March 4, 1919, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases of Daisy Dairy Feed, remaining unsold in the original unbroken packages at Gainesville, Ga., alleging that the article had been shipped on or about December 31, 1918, by the Sutherland Flour Mills Co., Cairo, Ill., and transported from the State of Illinois into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. Said article was labeled in part, "Daisy Dairy Feed \* \* \* Analysis: Protein, 13.25 per cent; Fat, 3.50 per cent; Fibre, 12.50 per cent. Sutherland Flour Mills Co., Cairo, Ill."

Adulteration of the article was alleged in substance in the libel for the reason that a substance containing lower percentages of protein and fat and a higher percentage of fiber than those indicated on the label and tag had been mixed and packed therewith and had been substituted wholly or in part for the article so as to reduce, lower, and injuriously affect the quality of the said product.

Misbranding of the article was alleged for the reason that the statements borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that the product did not contain 13.25 per cent of protein and did not contain 3.5 per cent of fat and contained more than 12.5 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser and cause him to believe that the product contained 13.25 per cent of protein, 3.5 per cent of fat, and only 12.5 per cent of fiber, whereas, in truth and in fact, it did not contain 13.25 per cent of protein, and 3.5 per cent of fat and contained more than 12.5 per cent of fiber.

On May 3, 1919, the said Sutherland Flour Mills Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered

and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**7226. Adulteration of oranges. U. S. \* \* \* v. 448 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 10000. I. S. No. 2504-r. S. No. W-280.)**

On or about February 19, 1919, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 448 boxes of oranges, consigned by T. H. Peppers, Upland, Calif., and remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about February 8, 1919, and transported from the State of California into the State of Colorado, 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 decomposed vegetable substance, to wit, decomposed oranges, resulting from frosting and freezing.

On March 26, 1919, M. J. Zeuzius, Denver, Col., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**7227. Adulteration of scallops. U. S. \* \* \* v. 15 Gallons of Scallops. Default decree of condemnation and forfeiture. Product ordered disposed of for fertilizer or other similar manufacturing purposes. (F. & D. No. 10001. I. S. No. 13842-r. S. No. E-1264.)**

On March 13, 1919, 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 for the seizure and condemnation of 15 gallons of scallops, at New York, N. Y., alleging that the article had been shipped on March 5, 1919, by Piner Brothers, Morehead City, N. C., 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.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed with, and substituted in part for, scallops, which the article purported to be.

On April 3, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, but that if said merchandise could be disposed of for fertilizer or other similar manufacturing purposes, other than for human or animal consumption, then it might be disposed of in such manner as might be found practicable.

E. D. BALL, *Acting Secretary of Agriculture.*

**7228. Adulteration of scallops. U. S. \* \* \* v. 22 Gallons of Scallops. Default decree of condemnation and forfeiture. Product ordered destroyed or disposed of for fertilizer or similar manufacturing purposes. (F. & D. No. 10002. I. S. Nos. 13845-r, 13846-r, 13847-r, 13848-r, 14796-r, 14797-r. S. No. E-1268.)**

On March 17, 1919, 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 for the seizure and condemnation of 22