

by the Secretary of Agriculture to the United States attorney for the western district of Oklahoma and libel for seizure and condemnation was duly filed with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. MCCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *April 1, 1909.*

(N. J. 53.)

MISBRANDING OF CANNED CORN.

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on or about the 10th day of November, 1908, in the district court of the United States for the western district of Oklahoma, in a criminal prosecution by the United States against the Ft. Des Moines Canning Co., a corporation conducting business at Dexter, Iowa, for violation of section 2 of the aforesaid act, in the delivery to McCord-Collins Mercantile Company at Oklahoma City, in original packages, of 678 cases of canned corn which were misbranded in respect to the statement thereon of the weight of the cans therein, and which said cases had theretofore been shipped by said Ft. Des Moines Canning Company from Dexter, Iowa, to Oklahoma City, Okla., the said Ft. Des Moines Canning Company having entered a plea of guilty, the court imposed upon it a fine of \$100.

The facts in the case were as follows:

On July 16, 1908, an inspector of the Department of Agriculture found in the possession of McCord-Collins Mercantile Company at Oklahoma City, Okla., 678 cases of canned corn, 202 of which were labeled "2 doz. 2 lbs. Yucca Sugar Corn, packed by Ft. Des Moines Canning Co., Dexter, Iowa," and 476 of which were labeled "2 doz. 2 lbs. Golf Queen Sugar Corn, packed by Ft. Des Moines Canning Co., Dexter, Iowa." A representative number of the cans having been weighed and found to average only one and one-half pounds each, it was apparent that the cases were misbranded within the meaning of section 8 of the Food and Drugs Acts of June 30, 1906. The corn had been shipped to McCord-Collins Mercantile Company by the Ft. Des Moines Canning Company, from Dexter, Iowa. Upon report of these facts by the Secretary of Agriculture to the United States attorney for the western district

of Oklahoma, a libel for seizure and condemnation of the goods was duly filed, and on November 10, 1908, a decree of condemnation was entered. The testimony in the libel proceedings having developed the fact that the corn had been shipped by the Ft. Des Moines Canning Company and delivered by it in original packages to McCord-Collins Mercantile Company, the United States attorney immediately filed an information against the Ft. Des Moines Canning Company, with the result hereinbefore stated.

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