4695. Misbranding of canned pork and beans. U. S. * * * v. Emanuel H. Miller et al. (Miller Bros. & Co.). Plea of guilty. Fine, $25. (F. & D. No. 7121. I. S. No. 1460-k.)

On February 28, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Emanuel H. Miller and William Miller, corpartners, trading as Miller Bros. & Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 13, 1915, from the State of Maryland into the State of Pennsylvania, of a quantity of canned pork and beans which were misbranded. The article was labeled: "Royalty Brand Pork & Beans In Sauce Contents 2 Pounds Miller Bros. & Co. Distributers Baltimore, Md. Pork & Beans."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	70.45
Absolute ether extract, dry basis (per cent)	1.37
Absolute ether extract, original (per cent)	0.40

No indication of any added meat. Chemical examination does not indicate any added fat. No pork was found in the product.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Pork & Beans," borne on the label attached to the cans, was false and misleading in that it represented that the article consisted of pork and beans, and for the further reason that it was labeled "Pork & Beans" so as to deceive and mislead the purchaser into the belief that it consisted of pork and beans, whereas, in truth and in fact, it did not, but did consist only of beans.

On February 28, 1916, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*