

the District Court of the United States for said district libels for the seizure and condemnation of 680 sacks of alleged gray shorts, at Hendersonville, N. C., alleging that the article had been shipped by the Gateway Milling Co., Kansas City, Mo., March 15 and May 12, 1920, respectively, and transported from the State of Missouri into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Mfg. By Gateway Milling Co. * * * Gray Shorts And Screenings. Made From Wheat Shorts, Red Dog Flour and Wheat Bran * * *." The remainder of the article was invoiced as "Gray Shorts."

Adulteration of the article was alleged in the libels for the reason that reground bran and rice hulls, or ground bran, screenings, and rice hulls, as the case might be, had been mixed and packed with, and substituted wholly or in part for, the said article and for the further reason that the said article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged with respect to a portion of the said article for the reason that the statements appearing in the labeling thereof, "* * * Gray Shorts And Screenings. Made From Wheat Shorts, Red Dog Flour and Wheat Bran * * * Fat, not less than 3.50% Crude Fibre, not more than 10.00% * * *," were false and misleading.

On August 22, 1921, no claimant having appeared for the property, judgments of the court were entered declaring both consignments of the product to be adulterated and the consignment of May 12, 1920, to be misbranded and ordering the destruction of the product by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10382. Adulteration and misbranding of Anti-ferment. U. S. * * * v. W. B. Wood Mfg. Co., a Corporation. Plea of guilty. Fine, \$300. (F. & D. No. 14736. I. S. No. 5543-r.)

On September 24, 1921, the United States attorney for the Eastern District of Missouri, 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 W. B. Wood Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 12, 1919, from the State of Missouri into the State of Iowa, of a quantity of Anti-ferment which was adulterated and misbranded. The article was labeled in part: "Anti-ferment * * * harmless. W. B. Wood Mfg. Co., Manufacturing Chemists, St. Louis, Mo. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 3.4 per cent of ammonium fluorid.

Adulteration of the article was alleged in the information for the reason that it contained an added poisonous and deleterious ingredient, to wit, ammonium fluorid, which might render the said article injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "harmless," borne on the label attached to the carboy containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was harmless, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was harmless, whereas, in truth and in fact, it was not harmless.

On April 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10383. Misbranding of cottonseed meal. U. S. * * * v. McCall Cotton & Oil Co., a Corporation. Plea of guilty. Fine, \$300. (F. & D. No. 15428. I. S. Nos. 10283-t, 10736-t, 10791-t.)

On December 17, 1921, the United States attorney for the District of Arizona, 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 McCall Cotton & Oil Co., a corporation, Phoenix, Ariz., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 12, March 10, and April 5, 1921, respectively, from the State of Arizona into the States of Colorado, New Mexico, and California, respectively, of quantities of cottonseed meal which was misbranded. The article was labeled in part: "* * * Brand—McCall Co. McCall Cotton & Oil Co., Phoenix, Arizona * * *."

Analysis of a sample from each of the consignments by the Bureau of Chemistry of this department showed the presence of 38.81 per cent, 38.50 per cent, and 38.79 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Crude Protein 43.00 per cent," in regard to the shipments of January 12 and March 10, 1921, and the statement, "Guaranteed Analysis Crude Protein 40.00 per cent," in regard to the shipment of April 5, 1921, borne on the respective tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 43 per cent or 40 per cent of crude protein, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent or 40 per cent of crude protein, as the case might be, whereas, in fact and in truth, the article involved in the respective consignments did contain less than 43 per cent or 40 per cent of crude protein, as the case might be, to wit, approximately 38.79 per cent, 38.81 per cent, and 38.50 per cent, respectively, of crude protein.

On January 3, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10384. Adulteration and misbranding of table oil. U. S. * * * v. S Cans of Table Oil * * *. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15498. I. S. No. 8505-t. S. No. E-3617.)

On October 24, 1921, 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 a libel for the seizure and condemnation of 8 cans of table oil, remaining in the original unbroken packages at Baltimore, Md., consigned on or about September 23, 1921, alleging that the article had been shipped by the Pan Italian Commercial Co., New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil and peanut oil had been mixed and packed with, and substituted wholly or in part for, olive oil.

Misbranding was alleged in substance for the reason that the statement appearing on the label of the can containing the article, to wit, "* * * Table Oil * * * Termini Imerese Type * * * Net Contents One Gallon," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article; 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 December 8, 1921, 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 relabeled and sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10385. Misbranding of imitation vanilla and tonka. U. S. * * * v. W. B. Wood Mfg. Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15577. I. S. No. 1579-t.)

On February 13, 1922, the United States attorney for the Eastern District of Missouri, 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 W. B. Wood Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 11, 1920, from the State of Missouri into the State of Ohio, of a quantity of imitation vanilla and tonka which was misbranded. The article was labeled in part: "W. B. Wood Manufacturing Co. Imitation Vanilla and Tonka * * * Net 5 Gal."

Examination of the article by the Bureau of Chemistry of this department showed a shortage of $6\frac{1}{2}$ per cent from the declared contents.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net 5 Gal.," borne on the keg containing the said article, regarding the article, was false and misleading in that it represented