10398. Misbranding of cottonseed cake. U. S. * * * v. Ardmore Oil & Milling Co., a Corporation. Plea of guilty. Fine, $150. (F. & D. No. 15556. I. S. No. 11658-t.)

On January 16, 1922, the United States attorney for the Eastern District of Oklahoma, 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 Ardmore Oil & Milling Co., a corporation, trading at Ardmore, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 25, 1921, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "Silo Brand Cotton Seed Meal Or Cake * * *."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds Net," borne on the tags attached to the sacks containing the article, regarding the article, was false and misleading in that it represented that each of the said sacks contained 100 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds net of the said article, whereas, in truth and in fact, each of the said sacks did not contain 100 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 30, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150.

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

10399. Misbranding of alimentary paste, macaroni, and spaghetti. U. S. * * * v. S. Viviano Macaroni Mfg. Co., Inc., a Corporation. Plea of guilty. Fine, $20. (F. & D. No. 15597. I. S. Nos. 5302-t, 8598-t, 7101-t.)

On February 4, 1922, the United States attorney for the Western District of Pennsylvania, 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 S. Viviano Macaroni Mfg. Co., Inc., a corporation, trading at Carnegie, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Pennsylvania, on or about June 21, 1920, into the State of Massachusetts, of a quantity of alimentary paste; on or about June 30, 1920, into the State of West Virginia, of a quantity of macaroni; and on or about February 16, 1921, into the State of New Jersey, of quantities of macaroni and spaghetti; all of which were misbranded. The articles were labeled in part, respectively: "Alimentary Paste Pasco Brand * * * "; "Lanapoletana Made in U. S. A. Maruca Brand Naples Style Macaroni of Extra Quality * * * "; "Zitoni"; "Forati"; and "Spaghetti."

Misbranding of the articles was alleged in the information for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 18, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $20.

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

10400. Misbranding of Pabst's Okay specific. U. S. * * * v. 62 Bottles * * * of Pabst's Okay Specific. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10150. I. S. No. 6811-r. S. No. C-1196.)

On May 9, 1919, the United States attorney for the Northern District of Texas, 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 62 bottles of Pabst's Okay specific, remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by the Pabst Chemical Co., Chicago, Ill., on or about February 24, 1919, and transported from the State of Illinois into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pabst's O. K. Okay Specific O. K. * * * Pabst Chemical Co., Chicago, Ill."