the additional preservative of sodium benzoate. 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 28, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and on April 24, 1922, the court imposed a fine of $25 and costs.

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

10652. Misbranding of cottonseed cake. U. S. * * * v. The McKinney Cotton Oil Mill Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 14764. I. S. No. 18815-r.)

On June 25, 1921, the United States attorney for the Eastern District of Texas, 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 McKinney Cotton Oil Mill Co., a corporation, McKinney, Texas, alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 6, 1920, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part, (tag) "100 Pounds (Net) Prime Cotton Seed Cake Manufactured by McKinney Cotton Oil Mill Co., McKinney, Texas * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 41.40 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein not less than 43%," borne on the tags attached to the sacks containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 43 per cent of protein, 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 of protein, whereas, in truth and in fact, it did contain less than 43 per cent of protein, to wit, 41.40 per cent of protein.

On January 16, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

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

10653. Misbranding of olive oil. U. S. * * * v. 10 Gallons, et al, of Olive Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 14986, 15049, 15050. I. S. Nos. 6964-t, 6957-t, 6958-t. S. Nos. E-3383, E-3385.)

On June 22, June 28, and November 15, 1921, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 18 cans and 10 gallons of olive oil, remaining in the original unbroken packages, in part at Scranton and in part at Pittston, Pa., alleging that the article had been shipped by Gamanos and Booskos, New York, N. Y., on or about May 12, May 14, and May 17, 1921, respectively, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part, "Justice Brand * * * Imported Virgin Pure Olive Oil Net Contents One Gallon * * * Gamanos and Booskos * * * New York * * *" The rest of the article was labeled in part, "Giustizia Brand * * * Vergine Olio d'Oliva Puro Importato Net Contents One Gallon * * *."

Misbranding of the article was alleged in substance in the libels for the reason that the statement "one gallon," appearing on the cans containing the said article, was false and misleading and deceived and misled the purchaser since each of the said cans did not contain one gallon of the article, but in each instance was short in volume. Misbranding was alleged in substance for the further reason that the said article of food was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the said package, inasmuch as the statement "one gallon" was not correct.

On November 15 and December 13, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, after the statement "one gallon" had been obliterated from the said cans.

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