

California into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that blue fin tuna had been mixed and packed with, and substituted wholly or in part for, white meat tuna, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, white tuna fish with salad oil. Misbranding was alleged in substance for the further reason that the packages containing the article and the labels thereon bore statements, designs, and devices regarding the said article, to wit, "* * * California Tuna Fish * * * Tuna Fish * * * Curtis Quality Tuna Fish * * * Selected and Graded To A Superior Standard. This Can Contains No Added Ingredients Other Than the Highest Quality Salad Oil * * * White Meat Only * * *" which were false and misleading and deceived and misled the purchaser.

On April 28, 1921, William T. Mills & Co., Inc., New York, N. Y., having entered an appearance as claimant for the property, judgment was entered ordering that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that the article be relabeled, under the supervision of this department, with labels correctly describing the same.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9473. Adulteration and misbranding of cider. U. S. * * * v. Wayne County Produce Co., a Corporation. Plea of non vult. Fine, \$25.
(F. & D. No. 11954. I. S. Nos. 16207-r, 16140-r, 13342-r.)

On April 28, 1920, the United States attorney for the Eastern District of New York, 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 Wayne County Produce Co., a corporation, Greenpoint, Long Island (Brooklyn, N. Y.), alleging shipment by said company, in violation of the Food and Drugs Act, from the State of New York, on or about September 14 and December 2, 1918, respectively, into the State of Georgia, and on or about December 12, 1918, into the State of Pennsylvania, of quantities of sweet cider which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained salicylic acid.

Adulteration of the article was alleged in the information for the reason that it contained an added poisonous or deleterious ingredient, to wit, salicylic acid, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the respective statements, "Sweet Cider Preserved with Benzoate Soda," or "Preserved with 1/10 of 1 per cent of Benzoate of Soda," borne on the barrels or bottles containing the said article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was sweet cider preserved with benzoate of soda, whereas, in truth and in fact, it was not, but was a product which contained an added poisonous and deleterious ingredient, to wit, salicylic acid. Misbranding was alleged with respect to the product involved in the consignment of December 12, into Pennsylvania, for the further reason that it was labeled, "Sweet Cider Preserved With Benzoate Soda," so as to deceive and mislead the purchaser into the belief that it was sweet cider preserved with benzoate of soda, whereas, in truth and in fact,

it was not, but was a product which contained an added poisonous and deleterious ingredient, to wit, salicylic acid.

On January 5, 1921, a plea of non vult was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9474. Misbranding of cottonseed meal and cottonseed cake. U. S. * * * v. Charles A. Alling (Forrest City Cotton Oil Co.). Plea of guilty. Fine, \$75 and costs. (F. & D. No. 12481. I. S. Nos. 12008-r, 12009-r, 12010-r.)

On October 29, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles A. Alling, trading as the Forrest City Cotton Oil Co., Forrest City, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of Arkansas into the State of Kansas, on or about June 13, 1919, of quantities of cottonseed meal and cottonseed cake, and on or about June 16, 1919, of a quantity of cottonseed cake, which articles were misbranded.

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 package.

On March 15, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9475. Misbranding of Marigold mince pie filling. U. S. * * * v. Best-Clymer Mfg. Co., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 12797. I. S. No. 7871-r.)

On November 15, 1920, 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 Best-Clymer Mfg. Co., a corporation, trading at St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 11, 1919, from the State of Missouri into the State of Ohio, of a quantity of mince pie filling which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 31.9 per cent of glucose.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Mince Pie Filling * * * Fruit, Granulated Sugar, Refiners' Syrup, With Spices, Vinegar and Salt," borne on the labels attached to the barrels 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 was a product consisting wholly of fruit, granulated sugar, refiner's sirup, spices, vinegar, and salt, 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 a product which consisted wholly of fruit, granulated sugar, refiner's sirup, spices, vinegar, and salt, whereas, in truth and in fact, it did not so consist but did consist in part of glucose.

On May 6, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.