

11374. Misbranding of digester tankage. U. S. v. Edw. J. Butler Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 16229. I. S. No. 11572-t.)

On January 2, 1923, the United States attorney for the Northern District of Illinois, 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 Edw. J. Butler Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 25, 1921, from the State of Illinois into the State of Indiana, of a quantity of digester tankage which was misbranded. The article was labeled in part: "Butler's Premium Digester Tankage Guaranteed Analysis Protein 60% * * * Edw. J. Butler & Co. Webster Building, Chicago, Ill."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 54.69 per cent of protein.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Edw. J. Butler Company * * * Guarantees this Butler's Premium Digester Tankage to contain not less than * * * 60.0 per cent. of crude protein," borne on the tags attached to the sacks containing the article, and the statement, to wit, "Guaranteed Analysis Protein 60%," borne on each of the said sacks, concerning the article and the amount of crude protein contained therein, were false and misleading in that the said statements represented and guaranteed the said article as containing not less than 60 per cent of crude 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 60 per cent of crude protein, whereas, in truth and in fact, the said article did not contain 60 per cent of crude protein, but did contain a less amount, to wit, approximately 55 per cent of crude protein.

On March 2, 1923, 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.*

11375. Misbranding of strawberries. U. S. v. Chas. C. Partee. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 16840. I. S. Nos. 1841-t, 1842-t.)

On January 26, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chas. C. Partee, Ripley, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 15, 1922, from the State of Tennessee into the State of Illinois, of quantities of strawberries in crates which were misbranded.

Misbranding of the article was alleged in the information for the 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 April 3, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20 and costs.

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

11376. Adulteration and misbranding of vinegar. U. S. v. 54 Barrels and 35 Barrels of Vinegar. Decrees entered by consent ordering release of product under bond for relabeling. (F. & D. Nos. 16879, 16906. I. S. Nos. 2038-v, 2045-v. S. Nos. E-4196, E-4210.)

On October 18 and November 8, 1922, respectively, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 89 barrels of vinegar, remaining in the original unbroken packages at Sharon, Pa., alleging that the article had been shipped by the Powell Corp., Canandaigua, N. Y., in part on or about October 10 and in part on or about September 18, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced to 4% * * * Man'f'd By The Powell Corp Canandaigua, N. Y."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar and vinegar made from evaporated apple products had been mixed