

that the product be destroyed or sold by the United States [marshal], provided such sale could be speedily effected.

W. M. JARDINE, *Secretary of Agriculture.*

13024. Adulteration and misbranding of lemon pie compound, chocolate pie compound, and coconut creme custard. U. S. v. White & Kleppinger, Inc. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 18761. I. S. Nos. 9630-v, 9631-v, 9632-v.)

On October 14, 1924, 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 White & Kleppinger, Inc., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, from the State of Illinois into the State of Wisconsin, on or about March 2, 1923, of quantities of lemon pie compound and chocolate pie compound, respectively, and on or about March 15, 1923, of a quantity of coconut creme custard, all of which were adulterated and misbranded. The articles were labeled in part: (Package) "Lemon Pie Compound" (or "Chocolate Pie Compound" or "Cocoanut Creme Custard").

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the lemon pie compound consisted of corn starch, sugar, and citric acid, with an odor suggestive of lemon oil, and contained no eggs nor lemon juice, the chocolate pie compound consisted of starch and cocoa, and contained no sugar nor eggs, and the coconut creme custard consisted of starch and shredded coconut, flavored with vanillin, was artificially colored and contained no eggs and little, if any, sugar.

Adulteration of the lemon pie compound was alleged in the information for the reason that a mixture consisting practically of corn starch, sugar, and citric acid and flavored with a small amount of oil of lemon but containing no lemon juice nor eggs had been substituted for a concentrated lemon pie filling compound, to wit, an article containing among other constituents eggs and lemon juice, which the said article purported to be.

Misbranding of the lemon pie compound was alleged in that the statements, to wit, "Lemon Pie Compound" and "Concentrated Pie Filling," borne on the packages containing the article, were false and misleading, in that the said statements represented the article to be concentrated lemon pie filling compound, to wit, an article containing among other ingredients eggs and lemon juice, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a concentrated lemon pie filling compound, whereas it was not concentrated lemon pie filling compound, in that it contained no eggs nor lemon juice.

Adulteration of the chocolate pie compound was alleged for the reason that a mixture consisting practically of corn starch and cocoa but containing no sugar nor eggs had been substituted for a concentrated chocolate pie filling compound, to wit, an article containing among other constituents eggs and sugar, which the said article purported to be.

Misbranding of the chocolate pie compound was alleged for the reason that the statements, to wit, "Chocolate Pie Compound" and "Concentrated Pie Filling," borne on the packages containing the article, were false and misleading, in that the said statements represented the said article to be a concentrated chocolate pie filling compound, to wit, an article containing among other ingredients sugar and eggs, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was concentrated chocolate pie filling compound, whereas it was not a concentrated chocolate pie filling compound, in that it contained no sugar nor eggs.

Adulteration of the coconut creme custard was alleged for the reason that a mixture consisting practically of corn starch and coconut, artificially flavored with vanillin and artificially colored but containing no eggs nor sugar, had been substituted for coconut creme custard, to wit, an article containing among other constituents eggs and sugar, which the said article purported to be.

Misbranding of the coconut creme custard was alleged for the reason that the statements, to wit, "Cocoanut Creme Custard" and "Makes Delicious Pudding, Cake, Pies, Etc.," borne on the packages containing the article were false and misleading, in that the said statements represented the article to be coconut creme custard, to wit, an article containing among other ingredients eggs and sugar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was coconut

creme custard, whereas it was not coconut creme custard, in that it contained no eggs nor sugar.

On January 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

13025. Adulteration and misbranding of butter. U. S. v. Cabot Farmers Co-operative Creamery. Plea of guilty. Fine, \$10. (F. & D. No. 18327. I. S. Nos. 1773-v, 1779-v.)

On July 17, 1924, the United States attorney for the District of Vermont, 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 Cabot Farmers Co-operative Creamery, a corporation, Cabot, Vt., alleging shipment by said company, in violation of the food and drugs act as amended, in part on or about June 19, 1923, and in part on or about June 27, 1923, from the State of Vermont into the State of Massachusetts, of quantities of butter, a portion of which was adulterated and the remainder of which was misbranded.

Analyses by the Bureau of Chemistry of this department of three samples of the product consigned June 19, 1923, showed that the average butterfat of the said samples was 77.97 per cent.

Adulteration of the portion of the article consigned June 19, 1923, was alleged in the information for the reason that a product deficient in butterfat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be. Adulteration was alleged for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged with respect to the consignment of June 27 for the 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 October 7, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

W. M. JARDINE, *Secretary of Agriculture.*

13026. Misbranding of cottonseed meal. U. S. v. 80 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18705. I. S. No. 22255-v. S. No. E-4846.)

On May 22, 1924, 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 praying the seizure and condemnation of 80 sacks of cottonseed meal, at Mt. Airy, Md., consigned about January 29, 1923, alleging that the article had been shipped by W. C. Nothern, from Kosciusko, Miss., and transported from the State of Mississippi into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Bee Brand Cottonseed Meal * * * Protein 41.12%, Ammonia 8.00%, * * * Nitrogen 6.58%, * * * W. C. Nothern, Shipper, Memphis, Tenn."

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Protein 41.12%, Ammonia 8.00%, Nitrogen 6.58%," borne on the labeling, were false and misleading and deceived and misled the purchaser, in that the said statements represented that the article contained 41.12 per cent of protein, whereas it contained a less amount.

On January 29, 1925, 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, "Cottonseed Meal 100 Pounds Net, Protein 39%, Crude Fibre 12%, Crude Fat 6%, Ammonia 7.56%, Nitrogen 6.20%," and sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13027. Adulteration of shell eggs. U. S. v. 8 Cases of Eggs. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 19088. I. S. No. 20702-v. S. No. W-1595.)

On or about October 6, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure