

Misbranding was alleged for the reason that the statement, to wit, "45 Gals.," borne on each of the casks, and the statements "800 Size" and "1200 Size," borne on respective portions of the said casks, were false and misleading, in that the said statements represented that each of the said casks contained 45 gallons of the article, and that they contained 800 pickles or 1,200 pickles, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the casks each contained 45 gallons of the said article, and that they contained 800 pickles or 1,200 pickles, as the case might be, whereas the said casks did not contain 45 gallons of the article but did contain a less amount, and they did not contain the number of pickles declared on the respective labels but did contain less amounts. 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 May 16, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13599. Adulteration and misbranding of horse and mule feed. U. S. v. Chas. A. Krause Milling Co. Plea of guilty. Fine, \$200. (F. & D. No. 19277. I. S. No. 12631-v.)

On January 6, 1925, the United States attorney for the Eastern District of Wisconsin, 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. A. Krause Milling Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about April 10, 1924, from the State of Wisconsin into the State of Maryland, of a quantity of horse and mule feed which was adulterated and misbranded. The article was labeled in part: (Tag) "K-O Horse And Mule Feed Protein 10% Fat 2% * * * Mfd. by Chas. A. Krause Milling Co. Milwaukee, Wisconsin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 7.77 per cent of protein and 1.55 per cent of ether extract or fat.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein and fat had been substituted for an article having a protein content of 10 per cent and a fat content of 2 per cent, which the said article purported to be, and for the further reason that a substance deficient in protein and fat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, to wit, "Horse And Mule Feed Protein 10% Fat 2%," borne on the label, were false and misleading, in that the said statements represented that the article contained 10 per cent of protein and 2 per cent of fat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 10 per cent of protein and 2 per cent of fat, whereas it contained less protein and less fat than declared on the label.

On June 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13600. Adulteration and misbranding of canned sardines. U. S. v. 650 Cases of Sardines. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19507. I. S. Nos. 21126-v, 21127-v. S. No. W-932.)

On January 16, 1925, the United States attorney for the Eastern District of Washington, 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 650 cases of sardines, remaining in the original unbroken packages at Spokane, Wash., consigned by the Kelley-Clarke Co., Portland, Oreg., alleging that the article had been shipped on or about October 31, 1924, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Conquerer Brand American Sardines in cottonseed oil" (or "Pine Tree Brand Maine Sardines in Mustard Sauce") "Packed by Seacoast Canning Co., Eastport, Maine."