

of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$750, in conformity with section 10 of the act, conditioned in part that it be relabeled by pasting stickers conspicuously placed on the labels bearing the statement "Artificially Colored."

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

**13744. Adulteration and misbranding of cottonseed meal. U. S. v. Swift & Co. Plea of nolo contendere. Fine and costs, \$25. (F. & D. No. 14323. I. S. No. 17777-r.)**

On April 15, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Augusta, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about April 19, 1919, from the State of Georgia into the State of Massachusetts, of a quantity of cottonseed meal which was adulterated and misbranded.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for good cottonseed meal, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Good Cotton Seed Meal" and "Guaranteed Analysis Protein (minimum) 36.00% \* \* \* Crude Fibre (maximum) 14.00% \* \* \* Ingredients: Made from upland cotton seed only," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of cottonseed meal and contained not less than 36 per cent of protein and not more than 14 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of cottonseed meal and contained not less than 36 per cent of protein and not more than 14 per cent of crude fiber, whereas it did not consist wholly of cottonseed meal but did consist in part of cottonseed hulls, and it contained less than 36 per cent of protein, to wit, 34.64 per cent of protein, and more than 14 per cent of crude fiber, to wit, 17.68 per cent of crude fiber. Misbranding was alleged for the further reason that the article was a mixture composed in part of cottonseed hulls prepared in imitation of good cottonseed meal, and was offered for sale and sold under the distinctive name of another article, to wit, good cottonseed meal.

On November 6, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25, which included the costs of the proceedings.

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

**13745. Adulteration and misbranding of assorted jellies. U. S. v. 50 Cases of Assorted Jellies. Products released under bond to be relabeled. (F. & D. No. 17500. I. S. Nos. 5527-v, 5528-v, 5529-v, 5530-v. S. No. C-3970.)**

On May 7, 1923, the United States attorney for the District of North Dakota, 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 50 cases of jellies, remaining in the original unbroken packages at Fargo, N. D., alleging that the articles had been shipped by the Wheeler-Barnes Co., from Minneapolis, Minn., on or about July 22, 1922, and transported from the State of Minnesota into the State of North Dakota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: "Argood Brand Apple and Grape" (or "Strawberry" or "Raspberry" or "Currant") "Jelly 55% Sugar 35% Apple 10% \* \* \* Juice Net Weight 6½ Oz."

Adulteration of the articles was alleged in the libel for the reason that pectin had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength, and in that a product consisting of sugar and pectin had been substituted in part for fruit juice and sugar.

Misbranding was alleged in substance for the reason that the statements borne on the packages containing the said articles, "Argood Brand Apple and

Grape Jelly 55% Sugar 35% Apple 10% Grape Juice," "Argood Brand Apple and Strawberry Jelly 55% Sugar 35% Apple 10% Strawberry Juice," "Argood Brand Apple and Raspberry Jelly 55% Sugar 35% Apple 10% Raspberry Juice," or "Argood Brand Apple and Currant Jelly 55% Sugar 35% Apple 10% Currant Juice," as the case might be, were false and misleading, in that the labels did not show that the jellies contained pectin, and in that the said statements represented that the articles consisted entirely of sugar, apple, and the respective fruit juices declared on the labels, whereas the said jellies were not composed of the substances declared on the labels but contained in addition thereto the substance, pectin. Misbranding was alleged in substance for the further reason that the statements "55% Sugar 35% Apple 10% Grape" (or other fruit) "Juice," were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 30, 1923, the Wheeler-Barnes Co., Minneapolis, Minn., having appeared as claimant for the property, the products were released to the said claimant upon the execution of a bond in the sum of \$150, conditioned in part that they be relabeled "Pure Pectin Jelly With Added Fruit Acid, Colored with \_\_\_\_\_ Juice," with the name of the fruit juice used inserted in the blank, and that the labels bear a correct net weight declaration.

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

**13746. Misbranding of butter. U. S. v. Southern Creameries, Inc. Plea of guilty. Judgment, \$100.** (F. & D. No. 19264. I. S. Nos. 997-v, 7298-v, 7304-v.)

At the March, 1925, term of the United States District Court within and for the Middle District of Tennessee, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Southern Creameries, Inc., a corporation, trading at Nashville, Tenn., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about February 7, 1924, from the State of Tennessee into the State of Georgia, and on or about February 8 and 11, 1924, respectively, from the State of Tennessee into the State of Alabama, of quantities of butter which was misbranded. The article was contained in packages labeled in part: "1 Lb. Net Weight" or "One Pound Net."

Examination by the Bureau of Chemistry of this department of 96, 100, and 50 packages from the different shipments showed an average net weight of 15.72, 15.69, and 15.8 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statements "1 Lb. Net Weight" or "One Pound Net," as the case might be, borne on the packages containing the said article, were false and misleading, in that they represented that each of the said packages contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of butter, whereas each of the packages contained a less amount. 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 18, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed judgment against said defendant for \$100, in lieu of fine and costs.

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

**13747. Adulteration and misbranding of flavoring extract. U. S. v. Arthur L. Leech and S. Elfred Leech (Arthur L. Leech Co.). Pleas of nolo contendere. Fines, \$100.** (F. & D. No. 19614. I. S. Nos. 12875-v, 16936-v, 17216-v, 17318-v.)

On May 1, 1925, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Arthur L. Leech and S. Elfred Leech, copartners, trading as the Arthur L. Leech Co., Kennebunk, Me., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about October 20, 1924, from the State of Maine into the States of New York, Massachusetts, and Maryland, respectively, of quantities of flavoring extract which was adulterated and