13848. Adulteration of grapefruit. U. S. v. 361 Cases of Grapefruit. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 20467. I. S. No. 4812-x. S. No. E-5495.)

On or about September 16, 1925, the United States attorney for the District of Porto Rico, 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 361 cases of grapefruit at San Juan, P. R., alleging that on or about September 15, 1925, the Candelaria Packing House, trading in Porto Rico, had delivered the product for shipment in interstate commerce from the Territory of Porto Rico into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Rancho—Alta Vista Fruit Co., Bayamon, Porto Rico."

Adulteration of the article was alleged in the libel for the reason that a product, immature grapefruit artificially colored, had been mixed and packed with and substituted in whole or in part for the said article, and for the further reason that it had been colored in a manner whereby inferiority was concealed.

On October 3, 1925, John M. Kohn, manager and sole owner of the Alta Vista Fruit Co. of Porto Rico, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the empty cases be delivered to the claimant upon payment of the costs of the proceedings.

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

13849. Adulteration and misbranding of hominy feed. U. S. v. the Corno Mills Co. Plea of guilty. Fine, $200. (F. & D. No. 19620. I. S. No. 22262-v.)

On August 7, 1925, the United States attorney for the Eastern 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 Corno Mills Co., a corporation, East St. Louis, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about June 11, 1924, from the State of Illinois into the State of Maryland, of a quantity of hominy feed which was adulterated and misbranded. The article was labeled in part: "Corno Hominy Feed Guaranteed Analysis: Protein 10.00 Fat 7.00 * * * Made By The Corno Mills Co. Address: East St. Louis, Ill."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained 8.69 per cent of protein, 1.95 per cent of fat, noticeable amounts of wheat, and an oat by-product.

Adulteration of the article was alleged in the information for the reason that very noticeable amounts of a wheat and oat by-product had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance containing a wheat and oat by-product and containing less than 10 per cent of protein and less than 7 per cent of fat had been substituted for hominy feed guaranteed to contain 10 per cent of protein and 7 per cent of fat, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Hominy Feed Guaranteed Analysis: Protein 10.00 Fat 7.00," borne on the sacks containing the article, were false and misleading, in that the said statements represented the article to be hominy feed containing 10 per cent of protein and 7 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 was hominy feed containing 10 per cent of protein and 7 per cent of fat, whereas it was a food containing very noticeable amounts of a wheat and oat by-product, and it contained less than 10 per cent of protein and less than 7 per cent of fat. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On September 2, 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.*