containing the article, were false and misleading, in that the said statements represented that the article contained not less than 55 per cent of protein, 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 not less than 55 per cent of protein, whereas it did not contain 55 per cent of protein but contained a less amount.

On October 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13861. Adulteration and misbranding of gray shorts. U. S. v. 40 Sacks of Gray Shorts. Default order of forfeiture and destruction entered. (F. & D. No. 19946. I. S. No. 21448-v. S. No. C-4691.)

On March 31, 1925, the United States attorney for the Southern District of Mississippi, 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 40 sacks of gray shorts, remaining in the original unbroken packages at Laurel, Miss., alleging that the article had been shipped by Hogan Bros., from Kansas City, Mo., on or about January 28, 1925, and transported from the State of Missouri into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Strength Feed Wheat Gray Shorts with Ground Wheat Screenings Not to Exceed Mill Run Hogan Brothers, Kansas City, Mo.," and was invoiced as "Gray Shorts."

Adulteration of the article was alleged in the libel for the reason that brown shorts had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Gray Shorts" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On September 22, 1925, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13862. Adulteration and misbranding of strawberry sirup. U. S. v. Hewlett Bros. Co. Plea of guilty. Fine, $50. (F. & D. No. 19642. I. S. No. 12290-v.)

On August 8, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hewlett Bros. Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act, on or about July 17, 1924, from the State of Utah into the State of Idaho, of a quantity of strawberry sirup which was adulterated and misbranded. The article was labeled in part: (Bottle) "Hewlett's Supreme Purity Quality (Hewlett Bros. Co. Salt Lake City Utah) Concentrated Fountain Syrup Strawberry."

Adulteration of the article was alleged in the information for the reason that an artificially colored and artificially flavored sirup which contained little, if any, strawberry juice, had been substituted for sirup strawberry, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to sirup strawberry, prepared in imitation of sirup strawberry, and was artificially colored with amaranth so as to simulate the appearance of sirup strawberry and in a manner whereby its inferiority to sirup strawberry was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Syrup Strawberry," borne on the labels, was false and misleading, in that the said statement represented that the article consisted wholly of sirup strawberry, 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 sirup strawberry, whereas it did not so consist but did consist of an artificially colored and flavored sirup which contained little, if any, strawberry juice. 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 October 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

C. F. MARVIN, *Acting Secretary of Agriculture.*