

14186. Misbranding of nut margarine. U. S. v. 40 Boxes, et al., of Nut Margarine. Consent decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 20967. I. S. Nos. 876-x, 877-x. S. No. W-1937.)

On March 22, 1926, the United States attorney for the District of Oregon, 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 240 boxes of nut margarine, at Portland, Oreg., alleging that the article had been shipped by Morris & Co., from Los Angeles, Calif., on or about March 10, 1926, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: (Carton) "Morola Nut Margarine Oleomargarine One Pound Net. Morris & Company Distributors Los Angeles, Calif." The remainder of the said article was labeled: (Carton) "Morris Supreme Marigold Nut Oleomargarine 1 Pound Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statements "One Pound Net" and "1 Pound Net Weight," borne on the cartons containing the respective lots, were false and misleading and deceived and misled the purchaser, and 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 or about March 25, 1926, Morris & Co., Los Angeles, Calif., having appeared as claimant for the property 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 released to the said claimant upon payment of the costs of the proceedings and the deposit of a certified check of a sufficient amount to insure compliance with the decree, said check to be returned if the product be not sold or otherwise disposed of in violation of the law until it has been reconditioned in a manner satisfactory to this department.

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

14187. Misbranding of feeds. U. S. v. Corydon T. Schreiber and Ernest F. Schreiber. Pleas of guilty. Fine, \$10 and costs. (F. & D. No. 17423. I. S. Nos. 10426-v, 10427-v, 10428-v, 10429-v, 10432-v.)

On November 2, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Corydon T. Schreiber and Ernest F. Schreiber, formerly copartners, trading as Schreiber Flour & Cereal Co., Kansas City, Mo., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about August 14, 1922, from the State of Missouri into the State of Kansas, of quantities of feeds which were misbranded. The articles were labeled in part variously: "Corn Chop," "Schreiber's Hen Scratch," "Butter-Fat Dairy Feed," or "Whole Ground Barley," as the case might be, and were further labeled: "100 lbs. Net When Packed * * * Manufactured By Schreiber Flour & Cereal Co. Kansas City, Missouri."

Misbranding of the articles was alleged in the information for the reason that the statement "100 lbs. Net," borne on the tags attached to the sacks containing the said articles, was false and misleading, in that the said statement represented that each of the said sacks contained 100 pounds of feed, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the sacks contained 100 pounds of feed, whereas each of the said sacks did not contain 100 pounds of feed but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

It was alleged in the information that the product labeled "Butter-Fat Dairy Feed" was further misbranded, in that the statements, to wit, "Guaranteed Analysis Protein -- Minimum -- 14.00% Fat -- Minimum -- 4.00%," borne on the tags attached to the sacks containing the article, were false and misleading, in that they represented that the article contained not less than 14 per cent of protein and not less than 4 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 not less than 14 per cent of protein and not less than 4 per cent of fat, whereas the said article contained less

protein and fat than so represented, namely, 12.56 per cent of protein and 3.17 per cent of fat.

On February 2, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$5 and costs against each defendant.

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

14188. Adulteration and misbranding of feeds. U. S. v. Ernest F. Schreiber and Corydon T. Schreiber. Pleas of guilty. Fine, \$20 and costs. (F. & D. No. 17922. I. S. Nos. 6514-v, 6526-v.)

On March 31, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ernest F. Schreiber and Corydon T. Schreiber, formerly copartners, trading as Schreiber Flour & Cereal Co., Kansas City, Mo., alleging shipment by said defendants, in violation of the food and drugs act, in two shipments, on or about August 9, 1922, and September 6, 1922, respectively, from the State of Missouri into the State of Arkansas, of quantities of feeds which were adulterated and misbranded. The consignment of August 9, 1922, was labeled in part: (Tag) "Wheat Shorts and Screenings * * * Ingredients: Wheat Shorts, Screenings with Bran Siftings not to exceed 8% Manufactured By Schreiber Flour & Cereal Co. Kansas City, Missouri." The consignment of September 6, 1922, was labeled in part: (Tag) "Flour Middlings & Screenings * * * Ingredients: Wheat Shorts, Low Grade Flour, Wheat Mixed Feed with Maximum 8% Wheat Segs. Manufactured By Schreiber Flour & Cereal Co. Kansas City, Mo."

Adulteration of each consignment was alleged in the information for the reason that an article which contained ground wheat bran and corn meal, and which contained little, if any, wheat shorts, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Wheat Shorts and Screenings * * * Ingredients: Wheat Shorts, Screenings with Bran Siftings not to exceed 8%," borne on the labels of the consignment of August 9, 1922, and the statements, to wit, "Flour Middlings & Screenings * * * Ingredients: Wheat Shorts, Low Grade Flour, Wheat Mixed Feed with Maximum 8% Wheat Segs.," borne on the labels of the consignment of September 6, 1922, were false and misleading, in that the said statements represented that the former consisted of wheat shorts and screenings, with bran siftings not to exceed 8 per cent, and that the latter was composed of flour middlings and screenings, wheat shorts, low grade flour, and wheat mixed feed with a maximum of 8 per cent wheat screenings, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained the said declared ingredients, whereas they were not so composed but were composed in part of a product which contained ground wheat bran and corn meal, and which contained little, if any, wheat shorts.

On February 2, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 and costs against each defendant.

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

14189. Misbranding of cottonseed meal. U. S. v. South Texas Cotton Oil Co. Plea of guilty. Fine, \$25. (F. & D. No. 19655. I. S. Nos. 2469-v, 2470-v.)

On August 13, 1925, the United States attorney for the Southern District of Texas, 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 South Texas Cotton Oil Co., a corporation, Victoria, Tex., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, on or about August 15 and 19, 1924, respectively, from the State of Texas into the State of New York, of quantities of cottonseed meal which was misbranded. The shipment of August 15, 1924, was labeled in part: (Tag) "100 Lbs. Net * * * Cotton Seed Meal * * * Guaranteed Analysis Ammonia 8.37% Protein 43.00% * * * Nitrogen 6.88% Fibre 10.00%." The shipment of August 19, 1924, was labeled in part: (Sack) "100 Pounds (Net) 43% Protein Cotton Seed Meal Prime Quality Manufactured by South Texas Cotton Oil Company Victoria, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent."