

part: (Can) "Chocolat-Nuga (100% Pure) * * * Manufactured Only By Ad. Seidel & Sons. * * * Chicago, U. S. A."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted of cocoa and that at least 50 per cent of the fat present was copra oil.

Adulteration of the article was alleged in the information for the reason that a mixture composed of copra oil, to wit, coconut oil prepared from copra, the dried kernels of the coconut, and cocoa powder deprived of a portion of its fat, had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that cocoa butter, a valuable constituent of the article, had been in part abstracted.

Misbranding of the article was alleged for the reason that it was a mixture composed wholly or in part of copra oil, to wit, coconut oil prepared from copra, the dried kernels of the coconut, and cocoa powder deprived of a portion of its fat, and was an imitation of and offered for sale under the distinctive name of another article, to wit, chocolate. Misbranding was alleged for the further reason that the statement, to wit, "Chocolat-Nuga (100% Pure) A Superior Chocolate Icing Substance Guaranteed Pure Chocolate," borne on the can containing the article, regarding the article and the substances and ingredients contained therein, was false and misleading, in that the said statement represented the article to be 100 per cent pure chocolate, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was 100 per cent pure chocolate, whereas, in truth and in fact, it was not 100 per cent pure chocolate but was an article composed wholly or in part of a mixture of copra oil and cocoa powder. 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 October 20, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11883. Adulteration and misbranding of potatoes. U. S. v. 200 Bags of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16816. I. S. No. 3110-v S. No. E-4183.)

On September 18, 1922, the United States attorney for the Southern District of Florida, 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 200 bags of potatoes, remaining unsold in the original packages at Jasksonville, Fla., consigned by Chamberlin & Barclay, Hightstown, N. J., alleging that the article had been shipped from Hightstown, N. J., on or about September 8, 1922, and transported from the State of New Jersey into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bag) "U. S. Grade No. 1 * * * Chamberlin & Barclay."

Adulteration of the article was alleged in the libel for the reason that potatoes of a lower grade than designated on the labeling had been mixed and packed with and substituted wholly or in part for U. S. Grade No. 1 potatoes.

Misbranding of the article was alleged for the reason that the statement appearing in the labeling, "U. S. Grade No. 1," was false and misleading and deceived and misled the purchaser.

On September 20, 1922, N. A. Faulkner & Co. 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 the payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11884. Adulteration and misbranding of cottonseed meal. U. S. v. 350 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16989. I. S. No. 3194-v. S. No. E-4230.)

On or about November 22, 1922, the United States attorney for the Southern District of Florida, 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 350 sacks of cottonseed meal, remaining unsold

in the original unbroken packages at Jacksonville, Fla., consigned by the Central Oil & Fertilizer Co., Valdosta, Ga., alleging that the article had been shipped from Valdosta, Ga., on or about October 31, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Prosperity Brand Cottonseed Meal * * * 100 lbs. Net Manufactured By Central Oil & Fertilizer Co. Home Office, Macon, Georgia Guarantee Protein * * * 36.00 * * * Ammonia 7.00."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and ammonia had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding of the article was alleged for the reason that it was labeled, "Prosperity Brand Cottonseed Meal * * * Guarantee Protein * * * 36.00 * * * Ammonia 7.00," which statement was false and misleading and deceived and misled the purchaser, since the said article was deficient in protein and ammonia.

On March 13, 1923, the Central Oil & Fertilizer Co., Macon, Ga., claimant, having admitted the allegations of the libel and 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 execution of a good and sufficient bond, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11885. Adulteration of shell eggs. U. S. v. Louis E. Eirenberg. Plea of guilty. Fine, \$5. (F. & D. No. 17422. I. S. No. 5810-v.)

On August 24, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis E. Eirenberg, Osmond, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 14, 1922, from the State of Nebraska into the State of Iowa, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From L. E. Eirenberg Osmond Neb."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 66, or 6.1 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, heavy blood rings, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed animal substance.

On September 25, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11886. Adulteration and misbranding of sauerkraut. U. S. v. W. H. Killian Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 17531. I. S. Nos. 237-v, 238-v, 319-v, 1540-v, 2134-v, 2589-v.)

On September 28, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. H. Killian Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments between the dates of November 18 and December 11, 1922, from the State of Maryland into the States of New Jersey, Pennsylvania, Rhode Island, and New York, respectively, of quantities of sauerkraut which was adulterated and misbranded. The article was labeled in part: (Can) "Killian's Quality * * * Sauer Kraut * * * Packed By W. H. Killian Co. Baltimore, U. S. A."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it contained excessive brine.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, brine, 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 sauerkraut, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Sauer Kraut," borne on the cans containing the article, regarding the said article