It was alleged in the information that the article was misbranded in that the statements, "Fat 4.00 * * * Made from Cottonseed Meal, Corn Gluten Feed, Corn Gluten Meal, Old Process Linseed Oil Meal, Wheat Shorts, Wheat Bran, Corn Feed Meal, Fine Ground Oats, Molasses, Calcium Carbonate 2%, Salt 1%," borne on the tag attached to the sacks containing the article regarding the article, were false and misleading; and for the further reason that it was labeled so as to deceive and mislead the purchaser; since the article contained not more than 2.86 per cent of fat, and was not made wholly from the ingredients named, but was made in part from oat hulls.

On January 28, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25 and costs on Edward Schultz and a fine of $25 each on Alfred G. Schultz and Clarence J. White.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19545. Misbranding of assorted jellies. U. S. v. 16½ Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27106. I. S. Nos. 21341, 21342, 21343, 21344. S. No. 5347.)

Sample jars of assorted jellies from the shipment herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Arizona.

On October 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16½ cases of assorted jellies at Flagstaff, Ariz., alleging that the article had been shipped by the West Coast Preserves (Inc.), from Los Angeles, Calif., on or about May 26, 1931, and had been transported in interstate commerce from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jars) "Gold Medal Brand, Net Weight 15 oz. * * * Packed by West Coast Preserves, Inc., Los Angeles, Calif."

It was alleged in the libel that the article was misbranded in that it was short weight and, therefore, bore a statement which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On April 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19546. Misbranding of canned peas. U. S. v. 18 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. No. 27330. I. S. No. 39842. S. No. 5470.)

Samples of canned peas from the shipment herein described having been found to fall below the legal standard for the article, in that it contained hard peas in excess of the amount allowed by said standard, the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.

On December 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 cases of canned peas, remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by Kirby Canning Co., from Trappe, Md., on or about June 27, 1931, and had been transported in interstate commerce from the State of Maryland into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Blue Water Brand Early June Peas Packed by Kirby Canning Co., Trappe, Md."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it contained hard peas in excess of the amount allowed by said standard, and its package or label did not bear a plain and conspicuous statement indicating that such canned food fell below such standard.

On April 29, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*