

was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not more than 15 per cent of fiber, whereas, in truth and in fact, it contained more than 15 per cent of fiber, to wit, approximately 21.04 per cent of fiber.

On June 27, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**7165. Adulteration of eggs. U. S. \* \* \* v. William J. Benjamin and Fred L. Gillet (Benjamin & Gillet). Nolle prosequi entered as to William J. Benjamin. Plea of guilty by Fred L. Gillet. Fine, \$25 and costs. (F. & D. No. 9807. I. S. No. 5553-r.)**

On May 21, 1919, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William J. Benjamin and Fred L. Gillet, a partnership, trading as Benjamin & Gillet, Colome, S. D., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 7, 1918, from the State of South Dakota into the State of Nebraska, of a quantity of shell eggs which were adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that in 3 cases there were 75 inedible eggs, or 6.9 per cent.

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

On June 26, 1919, a nolle prosequi was entered as to William J. Benjamin, and on the same date Fred L. Gillet entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**7166. Adulteration and misbranding of lemon extract. U. S. \* \* \* v. Sara W. Lupton, Marvin C. K. Lupton, and Stonewall J. Yeatman (Razo Mfg. Co.). Collateral of \$50 forfeited. (F. & D. No. 9812. I. S. No. 15628-r.)**

On July 14, 1919, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Sara W. Lupton, Marvin C. K. Lupton, and Stonewall J. Yeatman, copartners, trading as the Razo Mfg. Co., Washington, D. C., alleging that said defendants did offer for sale and sell, at the District aforesaid, in violation of the Food and Drugs Act, as amended, on October 9, 1918, a quantity of an article, labeled in part "Razo Lemon Extract \* \* \* manufactured only by Razo Mfg. Co., Washington, D. C.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Per cent.
Alcohol by volume.....	68.4
Lemon oil.....	2.1
Citral.....	0.09

Artificially colored with tartrazine.

Produce is a diluted extract, artificially colored, and deficient in lemon oil.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a diluted lemon extract artificially colored, had been substituted in whole for lemon extract, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Lemon Extract," borne on the label attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that it was true lemon extract, 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 true lemon extract, whereas, in truth and in fact, it was not true lemon extract, but was a diluted lemon extract artificially colored, and for the further reason that it was a diluted lemon extract artificially colored prepared in imitation of true lemon extract, and was offered for sale and sold under the distinctive name of another article, to wit, lemon extract. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 14, 1919, the defendants having failed to appear, the \$50 collateral that had theretofore been deposited to insure their appearance was forfeited by order of the court.

E. D. BALL, *Acting Secretary of Agriculture.*

**7167. Misbranding of Pure Sugar. U. S. \* \* \* v. William T. Bailey, Frederick O. Bailey, and J. Royal Bailey (Marshalltown Syrup & Sugar Co.). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 9820. I. S. No. 16341-p.)**

On July 28, 1919, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William T. Bailey, Frederick O. Bailey, and J. Royal Bailey, a partnership, trading as the Marshalltown Syrup & Sugar Co., Marshalltown, Iowa, alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about October 27, 1917, from the State of Iowa into the State of Utah, of a quantity of an article, labeled in part "Dickinson Brand Pure Sugar, put up by Marshalltown Syrup & Sugar Co., Marshalltown, Iowa," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that 12 packages had an average net weight of 14.8 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight About 1 Pound," borne on the label attached to the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the weight of the article was 1 pound, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the weight of the article was 1 pound, whereas, in truth and in fact, the weight of the article was not 1 pound, but was a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 10, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*