were "100 Lbs. When Packed," when, in truth and in fact, the said contents were considerably less than 100 pounds. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that the name of the manufacturer or producer was not correctly given on the label of the said packages, the label representing that T. C. Brunner & Son, Omaha, were the manufacturers and producers of the said article, when, in truth and in fact, the Omaha Flour Mills Co. of Omaha, Nebr., were the manufacturers and producers and T. C. Brunner & Son were the brokers and distributors thereof.

On February 14 and 26, 1924, respectively, the Southard Feed & Milling Co., Kansas City, Kans., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be rebranded.

HOWARD M. GORE, *Secretary of Agriculture.*

12492. Misbranding of grapes. U. S. v. James Marcelletti. Plea of guilty. Fine, $50. (F. & D. No. 17126. I. S. No. 178–v.)

On March 26, 1923, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Marcelletti, Paw Paw, Mich., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about September 28, 1922, from the State of Michigan into the State of New York, of a quantity of grapes which were misbranded.

Misbranding of the article was alleged in the information for the 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 30, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

HOWARD M. GORE, *Secretary of Agriculture.*

12493. Misbranding of cottonseed feed. U. S. v. Southern Cotton Oil Co., a Corporation. Plea of guilty. Fine, $25. (F. & D. No. 17798. I. S. No. 1458–v.)

On November 30, 1923, the United States attorney for the Eastern District of North Carolina, 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 Southern Cotton Oil Co., a corporation, trading at Goldsboro, N. C., alleging shipment by said company, in violation of the food and drugs act, on or about November 1, 1922, from the State of North Carolina into the State of Virginia, of a quantity of cottonseed feed which was misbranded. The article was labeled in part: (Tag) "Scoco Cottonseed Feed Guaranteed Analysis Protein 36% * * * Manufactured By The Southern Cotton Oil Co. Charlotte, N. C."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.13 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 36%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 36 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 36 per cent of protein, whereas, in truth and in fact, it did contain less than 36 per cent of protein, to wit, approximately 34.13 per cent of protein.

On June 12, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

HOWARD M. GORE, *Secretary of Agriculture.*