25555. Adulteration of tomato puree. U. S. v. Louis Di Marco (Great Lakes Packing Co.). Plea of guilty. Fine, $100. (F. & D. no. 34078. Sample no. 25835–B.)

This product contained excessive mold.

On August 13, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Louis DiMarco, trading as Great Lakes Packing Co., Farnham, N. Y., alleging shipment by him, in violation of the Food and Drugs Act, as amended, on or about September 24, 1934, from Farnham, N. Y., to Boston, Mass., of quantities of tomato puree that was adulterated. The article was labeled in part: (Cans) "Contents 6 lbs. 8 ozs. Our Finest Quality Old Gold Brand Tomato Puree."

Adulteration of the article was charged under the allegation that it consisted in whole and in part of a decomposed vegetable substance.

On March 12, 1936, a plea of guilty having been entered, a fine of $100 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25556. Misbranding of cottonseed meal. U. S. v. Transit Milling Co. Plea of guilty. Fine, $75. (F. & D. no. 34083. Sample nos. 8158–B, 27405–B, 63721–A.)

This case was based on shipments of cottonseed meal, a part of which contained less protein than declared on the label and part of which was short in weight.

On July 20, 1935, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Transit Milling Co., a corporation, Sherman, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended on or about May 17, July 23, and July 31, 1934, from the State of Texas into the State of Kansas, of quantities of cottonseed meal which was misbranded. The article was labeled in part, variously: "Guaranteed Analysis Protein, not less than 43% * * * Manufactured for Kansas City Cake & Meal Co., * * * Kansas City, Mo."; "Guaranteed Analysis Protein, not less than 43% * * * Choctaw Sales Company * * * Kansas City, Missouri"; "Tranco Brand * * * Cottonseed Cake or Meal * * * Manufactured by Transit Milling Co. Sherman, Texas—Galveston, Texas—Cairo, Illinois." All lots were labeled "100 Pounds Net."

A portion of the article was alleged to be misbranded in that the statement, "Guaranteed Analysis Protein not less than 43%", borne on the tags attached to the sacks containing the article, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser since it contained less than 43 percent of protein. Misbranding was alleged with respect to the remainder of the article 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 since some of the sacks contained not more than 97.25 pounds and the average net weight of all of a large number of sacks examined was not more than 98 pounds and the amount of the article contained in the sacks was not declared on the label.

On December 9, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $75.

W. R. GREGG, *Acting Secretary of Agriculture.*

25557. Misbranding of alfalfa leaf meal. U. S. v. National Mineral Products Co., Ltd. Plea of guilty. Fine, $30. (F. & D. no. 34089. Sample nos. 8329–B, 8330–B, 8331–B.)

This case was based on shipments of a product represented to be alfalfa leaf meal. Examination showed that it consisted of a mixture of leaf and stem meal, and that it contained less protein and more crude fiber than declared on the label.

On August 14, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Mineral Products Co., Ltd., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 26 and July 14, 1934, from the State of California into the State of Maryland, and on or about July 25, 1934, from the State of California into the State of Pennsylvania, of quantities of alfalfa leaf meal that was misbranded. The article was labeled in part: