

Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 7, 1932, from the State of Illinois into the State of Indiana, of a quantity of bone meal which was adulterated and misbranded. Attached to the sacks containing the article were two tags, both labeled, "Steamed Bone Meal, Manufactured by Riverdale Products Company, Chicago." Further statements regarding the ingredients, also appearing on the tags, are set out below.

It was alleged in the libel that the article was adulterated in that an added substance, calcium carbonate in excess of the normal amount contained in bone meal, had been substituted in part for the article. Adulteration was alleged for the further reason that a product containing less than 5 percent of crude protein, less than 1½ percent of crude fat, less than 70 percent of bone phosphate of lime and more than 2 percent of crude fiber and more than the normal amount of calcium carbonate contained in bone meal, had been substituted for bone meal containing not less than 5 percent of crude protein, not less than 1½ percent of crude fat, not less than 70 percent of bone phosphate of lime, and not more than the normal amount of calcium carbonate contained in bone meal, and not more than 2 percent of crude fiber, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Bone Meal, Ingredients: Bone Meal, Analysis: Guaranteed 5 Per Cent Max. Crude Protein, 1½ Per Cent Max. Crude Fat, 70 Per Cent Min. Bone Phosphate of Lime", borne on one of the tags, and the statements, "Bone Meal Guaranteed Analysis Crude Protein, not less than 5.0% Crude Fat, not less than 1.5% Crude Fiber, not more than 2.0%, Ingredients: Bone Meal containing 70% Bone Phosphate of Lime", borne on the other tag, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 5 percent of crude protein, less than 1½ percent of crude fat, less than 70 percent of bone phosphate of lime, more than 2 percent of crude fiber, and contained undeclared calcium carbonate in excess of the normal amount contained in bone meal.

On May 17, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22573. Adulteration of apples. U. S. v. Quick & Harris Co. Plea of nolo contendere. Fine, \$10. (F. & D. no. 31380. Sample no. 18039-A.)

This case was based on an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On February 21, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Quick & Harris Co., a corporation, Yakima, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 5, 1932, from the State of Washington into the State of Montana, of a quantity of apples which were adulterated.

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 4, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22574. Misbranding of butter. U. S. v. Carlson-Frink Co. Plea of guilty. Fine, \$200 and costs. (F. & D. no. 31435. Sample nos. 28159-A, 28160-A.)

This case was based on interstate shipments of short-weight butter.

On February 27, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carlson-Frink Co., a corporation, Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 21 and February 28, 1933, from the State of Colorado into the State of New Mexico, of quantities of butter which was misbranded. The article was labeled in part: "Mountain Kist Butter A Frink Product * * * Carlson-Frink Co., Denver, Colo. One Pound Net."

It was alleged in the information that the article was misbranded in that the statement "One Pound Net", borne on the packages 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 the packages contained less than 1 pound. 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 May 9, 1934, a plea of guilty was entered on behalf of the defendant company. On May 11, 1934, judgment was entered imposing a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22575. Misbranding of potatoes. U. S. v. 170 Sacks of Potatoes. Decree of condemnation and forfeiture. Product released under bond to be re-sacked or relabeled. (F. & D. no. 30571. Sample no. 46462-A.)

Sacks of potatoes taken from the shipment involved in this case were found to contain less than 100 pounds, the labeled weight.

On June 8, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 sacks of potatoes at Minneapolis, Minn., consigned by L. Markman, alleging that the article had been shipped in interstate commerce, on or about May 29, 1933, from Lockport, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Unclassified Selected Potatoes 100 Pounds When Packed Markman Produce Co., Des Moines, Iowa."

It was alleged in the libel that the article was misbranded in that the statement, "One Hundred Pounds when packed", was false and misleading and deceived and misled the purchaser. 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, since the statement made was not correct.

On June 10, 1933, a claim having been filed for the property, and the court having found that the product could be lawfully sold if re-sacked to the declared weight, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be disposed of only in conformity with the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*