

20795. Misbranding of cottonseed meal. U. S. v. East St. Louis Cotton Oil Co. (The Pine Bluff Cotton Oil Mill). Plea of guilty. Fine, \$25. (F. & D. no. 29515. I. S. no. 50956.)

This case was based on the interstate shipment of a quantity of cottonseed meal which contained less than 43 percent of protein, the amount declared on the label, and which was also short weight.

On April 17, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the East St. Louis Cotton Oil Co., a corporation, trading at Pine Bluff, Ark., alleging shipment by said company, under the name of the Pine Bluff Cotton Oil Mill, a branch of the defendant corporation, on or about April 2, 1932, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal that was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Tag) "100 Pounds Net Guaranteed Analysis Protein, not less than 43%, * * * Choctaw Sales Company, * * * Kansas City, Missouri."

It was alleged in the information that the article was misbranded in that the statements, "100 Pounds Net Guaranteed Analysis Protein, not less than 43%", borne on the tag attached to the sacks, 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 43 percent of protein, and each of a large number of the sacks contained less than 100 pounds of the article. 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 packages, since the statement made was incorrect.

On May 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, Acting Secretary of Agriculture.

20796. Adulteration of celery. U. S. v. 356 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29873. Sample no. 31305-A.)

This case involved an interstate shipment of celery that bore arsenic and lead in amounts that might have rendered it injurious to health.

On January 27, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 356 crates of celery at Jersey City, N.J., alleging that the article had been shipped in interstate commerce into the State of New Jersey on or about January 15, 1933, by the Union Produce Co., from Guadalupe, Calif., and charging adulteration in violation of the Food and Drugs Act.

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

On February 20, 1933, 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.

R. G. TUGWELL, Acting Secretary of Agriculture.

20797. Misbranding of orange juice. U. S. v. 15 7/8 Cases, et al., of Orange Juice. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 29670. Sample nos. 28185-A, 28186-A.)

This case involved an interstate shipment of canned orange juice in which the cans were found to contain less than the declared volume. Examination further showed that the cans were not filled to the standard established by this Department, and that they were not labeled to indicate that they were slack-filled.

On December 29, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 15 7/8 cases and 53 cans of canned orange juice at Denver, Colo., consigned by the Hansen & Choate Products Co., Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 20, 1932, from Los Angeles, Calif., to Denver, Colo., and charging misbranding in violation of the

Food and Drugs Act as amended. The article was labeled in part: (Cans) "Valencia Orange Juice Net Contents 1 Pt. 4 Fl. Oz. [or "8 Fl. Oz.]" Hansen & Choate Products Company, Los Angeles, California."

It was alleged in the libel that the article was misbranded in that the statements, "1 Pt. 4 Fl. Oz." and "8 Fl. Oz.", were false and misleading and deceived and misled the purchaser; and 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 packages, since the statements made were incorrect. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On April 1, 1933, 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 delivered to charitable institutions.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20798. Adulteration of canned salmon. U. S. v. 285 Cases of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29752. Sample nos. 16766-A, 16773-A.)

This case involved an interstate shipment of canned salmon that was in part decomposed.

On January 24, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 285 cases of canned salmon at Houston, Tex., consigned by McGovern & McGovern, Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 11, 1932, from Seattle, Wash., to Houston, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Floer Select Pink Salmon Packed by Shepard Point Packing Co."; (can) "Floer Brand Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On March 6, 1933, the Standard Packing Co., a corporation of the State of Washington, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20799. Adulteration and misbranding of Swiss cheese. U. S. v. 3 Cheeses. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 29706. Sample no. 33012-A.)

This case involved an interstate shipment of Swiss cheese that was deficient in fat.

On December 31, 1932, the United States attorney for the Western District of New York filed in the District Court of the United States a libel praying seizure and condemnation of three cheeses at Buffalo, N.Y., consigned by the Triangle Cheese Co., Monroe, Wis., alleging that the article had been shipped in interstate commerce on or about November 26, 1932, from Monroe, Wis., to Buffalo, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced "Swiss Cheese."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted for Swiss cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, Swiss cheese.

On March 21, 1933, 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 delivered to a charitable institution.

R. G. TUGWELL, *Acting Secretary of Agriculture.*