

and condemnation of 543 cases of canned peas, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Bark River Packing Co., Merton, Wis., on or about November 27, 1925, and transported from the State of Wisconsin into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Red Rose (Robe) Brand Little Miss Muffet Peas."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Peas," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 14, 1926, the Rosen-Reichardt Brokerage Co., St. Louis, Mo., having appeared as claimant for the property, a decree was entered, adjudging the product misbranded and liable to seizure, condemnation, and confiscation, and it was ordered by the court that the product be released to the said claimant under the terms of a bond conditioned that it be relabeled as follows: "Slack-filled, contains excessive brine, contents 12.2 ounces of peas. This can should contain 13.5 ounces of peas," and that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

14332. Adulteration and misbranding of apples. U. S. v. Joseph E. Almeder (Almeder, Eames & Co.). Plea of nolo contendere. Case placed on file. (F. & D. No. 19247. I. S. No. 10545-v.)

On January 7, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph E. Almeder, trading as Almeder, Eames & Co., Boston, Mass., alleging shipment by said defendant, in violation of the food and drugs act, on or about October 1, 1923, from the State of Massachusetts into the State of Maine, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: "Massachusetts Standard Fancy Grade Min. Size 2-3/4 Inches * * * Packed By Almeder Eames & Co., Boston, Mass."

Adulteration of the article was alleged in the information for the reason that apples of a lower grade than Massachusetts standard fancy grade apples and less than 2 3/4 inches in diameter each had been substituted in part for Massachusetts standard fancy grade apples of not less than 2 3/4 inches in diameter each, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Massachusetts Standard Fancy Grade Min. Size 2-3/4 Inches," borne on the barrels containing the article, was false and misleading, in that the said statement represented that the said apples were Massachusetts standard fancy grade apples of not less than 2 3/4 inches in diameter each, and for the further reason that the apples were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were Massachusetts standard fancy grade apples of not less than 2 3/4 inches in diameter each, whereas they were of lower grade than represented and less than 2 3/4 inches in diameter each. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article.

On May 20, 1926, the defendant entered a plea of nolo contendere to the information, and the court ordered the case placed on file.

W. M. JARDINE, *Secretary of Agriculture.*

14333. Adulteration and misbranding of linseed oil meal. U. S. v. The Mann Bros. Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19292. I. S. Nos. 10597-v, 10598-v, 13709-v, 15997-v, 16021-v.)

On March 10, 1925, 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 of the United States for said district an information against the Mann Bros. Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or

about December 13 and 17, 1923, February 27, March 7, 12, and 13, 1924, respectively, from the State of New York into the States of Maryland, Pennsylvania, and New Jersey, respectively, of quantities of linseed oil meal which was adulterated and misbranded. The article was labeled in part: "Pure Old Process Linseed Oil Meal From The Mann Bros. Co. Buffalo, N. Y. Guaranteed Analysis Minimum Protein 35" (or "Minimum Protein 34").

Analysis by the Bureau of Chemistry of this department of samples from the two shipments labeled "Minimum Protein 35" showed 32.2 per cent protein; analysis of samples from the three shipments labeled "Minimum Protein 34" showed 31.6 per cent, 31.5 per cent, and 32.1 per cent, respectively, of protein.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, linseed oil meal containing less than 35 per cent of protein, or linseed oil meal containing less than 34 per cent of protein, as the case might be, had been substituted for the said article.

Misbranding was alleged for the reason that the statements to wit "Linseed Oil Meal * * * Guaranteed Analysis Minimum Protein 35" with respect to a portion of the product, and "34% Protein. Pure Old Process Linseed Oil Meal * * * Guaranteed Analysis Minimum Protein 34," with respect to the remainder thereof, were false and misleading, in that the said statements represented that the article contained not less than 35 per cent of protein, or not less than 34 per cent of protein, as the case might be, 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 the said respective amounts of protein, whereas it did not but did contain less amounts.

On March 10, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14334. Adulteration and misbranding of butter. U. S. v. Yalobusha Co-Operative Creamery. Plea of guilty. Fine, \$10. (F. & D. No. 17909. I. S. Nos. 4195-v, 6191-v.)

On December 3, 1924, the United States attorney for the Northern District of Mississippi, 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 Yalobusha Co-Operative Creamery, a corporation, Water Valley, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 31, 1923, from the State of Mississippi into the State of Alabama, of a quantity of butter which was adulterated and misbranded, and on or about June 2, 1923, from the State of Mississippi into the State of Illinois, of a quantity of butter which was adulterated. The product shipped May 31, 1923, into Alabama was labeled in part: "State Brand Butter This butter is manufactured by the Mississippi Creameries Co-Operative Association * * * This package contains 16 ounces net weight when packed."

Adulteration was alleged in the information with respect to the butter involved in both consignments for the reason that a product deficient in butterfat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be.

Misbranding was alleged with respect to the butter shipped May 31, 1923, into Alabama, for the reason that the statements, to wit, "Butter," and "This package contains 16 ounces net weight," borne on the packages containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of butter, and that each of said packages contained 16 ounces net weight thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter and that each of said packages contained 16 ounces net weight thereof, whereas it consisted of a product deficient in butterfat and containing an excessive amount of moisture, and each of said packages did not contain 16 ounces net weight of the article but did contain a less amount. Misbranding was alleged with respect to the said shipment of butter into Alabama 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 April 19, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

W. M. JARDINE, *Secretary of Agriculture.*