

judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and it was further ordered that the costs of the proceedings be recovered from said claimant.

E. D. BALL, *Acting Secretary of Agriculture.*

**S746. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. 500 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12190. I. S. No. 9242-r. S. No. C-1766.)**

On February 20, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 sacks of cottonseed meal, consigned by United Oil Mills, from Arkadelphia, Ark., remaining unsold in the original unbroken packages at East St. Louis, Ill., alleging that the article had been shipped on or about January 21, 1920, and transported from the State of Arkansas into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Nutrine Brand Cotton Seed Meal \* \* \* Guaranteed Analysis, Protein, 41%, Fat, 6%, Crude Fibre (Maximum), 10% \* \* \* Manufactured for Hayes Grain & Commission Co., Little Rock, Arkansas."

Adulteration of the article was alleged in the libel for the reason that a substance had been mixed and packed with said article so as to reduce and lower its quality and strength.

Misbranding was alleged in substance for the reason that the statements on the label, "Protein 41%," "Crude Fibre (Maximum) 10%," and "99 lbs. net," were false and misleading and deceived and misled the purchaser, since the article contained only 37.81 per cent of protein and 14.9 per cent of crude fiber and the sacks contained only 98 pounds net. 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 thereof in terms of weight or measure.

On March 22, 1920, the United Oil Mills Co., Hope, Ark., having entered an appearance as claimant and having agreed that the product should not be sold or offered for sale contrary to the provisions of State or Federal law, and the case having come on for final disposition, it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the brands and advertising matter be removed from the sacks and destroyed and that such brands or advertising matter as would meet the requirements of this department be placed thereon.

E. D. BALL, *Acting Secretary of Agriculture.*

**S747. Misbranding of olive oil and cottonseed salad oil. U. S. \* \* \* v. Morris Heller. Plea of guilty. Fine, \$100. (F. & D. No. 12326. I. S. Nos. 15006-r, 15097-r, 15098-r.)**

On September 27, 1920, the United States attorney for the Southern 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 Morris Heller, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, on or about April 22 and June 19, 1919, of quantities

of olive oil, and on or about June 25, 1919, of a quantity of cottonseed salad oil, which were misbranded. The articles were labeled in part: "Olio D'Oliva Purissimo Reginella Brand Pure Virgin Oil One Quart \* \* \* Packed by Venice Importing Co., New York;" and "One Quart Packed by Venice Importing Co., N. Y., San Michele Brand Winter Pressed Cottonseed Salad Oil \* \* \*."

Examination of samples of the olive oil by the Bureau of Chemistry of this department showed an average shortage in weight of 5.41 per cent and 2.64 per cent, respectively. Examination of a sample of the cottonseed salad oil by said bureau showed an average shortage in weight of 5 per cent.

Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "One Quart," borne on the cans containing the articles, regarding the articles, was false and misleading in that it represented that each of the cans contained 1 quart thereof, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each can contained 1 quart thereof, whereas, in truth and in fact, each of said cans did not contain 1 quart thereof, but contained a less amount. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On September 29, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

E. D. BALL, *Acting Secretary of Agriculture.*

**8718. Misbranding of rice. U. S. \* \* \* v. Warfield-Pratt-Howell Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 12335. I. S. No. 11554-r.)**

On August 16, 1920, the United States attorney for the Northern District of Iowa, 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 Warfield-Pratt-Howell Co., a corporation, Sioux City, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 6, 1919, from the State of Iowa into the State of South Dakota, of a quantity of rice which was misbranded. The article was labeled, (sack) "3 Lbs. Net Wooden Shoe Blue Rose Rice Warfield-Pratt-Howell Co., Des Moines, Sioux City, Cedar Rapids."

Examination of a sample of the article by the Bureau of Chemistry of this department showed an average shortage in weight of 6.1 per cent in 3 sacks.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "3 Lbs. Net," borne on the sacks containing the article, regarding the article, was false and misleading in that it represented that the sacks contained 3 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the sacks contained 3 pounds net of the article, whereas, in truth and in fact, each of the sacks contained a less amount. 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 October 19, 1920, 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.

E. D. BALL, *Acting Secretary of Agriculture.*