

5093. Adulteration of scallops. U. S. * * * v. Woodland & Co., a Corporation. Submission to information. Fine, \$10 and costs. (F. & D. No. 11806. I. S. Nos. 12678-r, 13827-r, 15551-r.)

On July 3, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Woodland & Co., a corporation, Morehead City, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 19, 26, and 29, 1919, from the State of North Carolina into the States of Maryland, Massachusetts, and New York, respectively, of quantities of scallops which were adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the product had been soaked with water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for scallops, which the article purported to be.

On October 12, 1920, the defendant company submitted to the information, and the court imposed a fine of \$10 and costs.

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

9094. Misbranding of Nutrine Brand cottonseed cake. U. S. * * * v. John J. Scroggin, W. Orville Scroggin, Wm. F. Bridewell, and James S. Martin, Copartners (J. Morrillton Cotton Oil Co.). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 12369. I. S. No. 12048-r.)

On December 22, 1920, 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 for said district an information against John J. Scroggin, W. Orville Scroggin, Wm. F. Bridewell, and James S. Martin, copartners, trading as the J. Morrillton Cotton Oil Co., Morrillton, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about March 6, 1919, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part, "Nutrine Brand Cotton Seed Cake * * * 100 Lbs. Gross—99 Lbs. Net."

Thirty sacks of the product weighed by the Bureau of Chemistry of this department showed an average net weight of 97.05 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Lbs. Gross—99 Lbs. Net," borne on the tags attached to the sacks containing the article, regarding the article, was false and misleading in that it represented that each of the sacks weighed 100 pounds gross and contained 99 pounds net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the sacks weighed 100 pounds gross and contained 99 pounds net of the article, whereas, in truth and in fact, each of the sacks did not weigh 100 pounds gross but weighed a less amount, and each of the sacks did not contain 99 pounds net of the article but 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 February 3, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

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