

and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the article was labeled in a false and fraudulent [misleading] manner, that is to say, each of the sacks containing the said article were labeled, "Protein 30 per cent. * * * Fibre 25 per cent. * * * Made From Pressed Peanut Cake," which statements were false and untrue in that the article did not contain the ingredients above enumerated and in the quantities stated, but it was deficient in protein and contained an excessive amount of crude fiber and was not made from pressed peanut cake but crushed peanut hulls had been added thereto.

On January 5, 1921, the Capital City Grocery Co., Tallahassee, Fla., having filed its claim and answer to the libel and having averred in said answer that by reason of want of sufficient information it could neither admit nor deny the material allegations of the libel, but praying that the product should be delivered to it upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said claimant upon the terms and conditions stipulated in the said answer and that the libel be dismissed upon payment of the costs of the proceedings.

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

9374. Adulteration and misbranding of La Pom. U. S. * * * v. Certain Persons in Possession of 3 Barrels of La Pom (Blackberry, Red Grape, and Apricot). Default decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 13852. I. S. No. 3558-t. S. No. C-2494.)

On November 5, 1920, the United States attorney for the District of North Dakota, 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 3 barrels of La Pom (blackberry, red grape, and apricot flavor, respectively), consigned by the Crown Beverage Co., St. Louis, Mo., on February 14, 1920, to certain persons in Christine, N. Dak., charging that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Non-Alcoholic La Pom Artificial Flavor and Color. Red Grape" (or "Apricot" or "Blackberry") "Flavor. Guarantee. The contents of this package guaranteed to comply with all laws. These goods are non-alcoholic and non-intoxicating. We will forfeit \$500 reward to any one finding a single percent of alcohol in this drink * * *."

It was alleged in substance in the libel that the above-quoted statements, each and all, were false and untrue in that the said article contained in excess of 4 per cent of alcohol by volume.

Adulteration of the article was alleged in substance for the reason that it contained a certain poisonous and deleterious ingredient, namely, saccharin, which made the same injurious to health.

On March 12, 1921, 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.

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

9375. Misbranding of flour. U. S. * * * v. Herreid Milling Co., a Corporation. Judgment by default. Fine, \$25. (F. & D. No. 13905. I. S. No. 8901-r.)

On December 15, 1920, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the Dis-

trict Court of the United States for said district an information against the Herreid Milling Co., a corporation, Herreid, S. Dak., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 31, 1920, from the State of South Dakota into the State of North Dakota, of a quantity of flour which was misbranded. The article was labeled in part, "Herreid Milling Company Herreid Choice First Patent 49" (or "98") "Lbs. Snow Flake Flour * * *."

An examination by the Bureau of Chemistry of this department of 6 of the smaller sacks and 7 of the larger sacks showed an average net weight of 46½ pounds and 95½ pounds, respectively, an average shortage of 2¾ pounds or 5.6 per cent, and 2½ pounds or 2.5 per cent, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "49 Lbs." and "98 Lbs.," respectively, borne on the sacks containing the article, regarding the same, were false and misleading in that they represented that each of the said sacks contained 49 pounds or 98 pounds, as the case might be, 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 said sacks contained 49 pounds or 98 pounds, as the case might be, 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 April 22, 1921, the defendant company having failed to appear, a default judgment was entered by the court, and a fine of \$25 was imposed.

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

9376. Misbranding and alleged adulteration of pie filling compound. U. S. * * * v. 1,200 Packages of * * * Jewel Brand Lemon Flavor Pie Filling Compound. Decree of misbranding. Product released under bond. (F. & D. No. 14192. I. S. No. 473-t. S. No. C-2670.)

On or about January 17, 1921, the United States attorney for the District of Nebraska, 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 1,200 packages of Jewel Brand lemon flavor pie filling compound, at Lincoln, Nebr., alleging that the article had been shipped by the Jewel Tea Co., Inc., from Chicago, Ill., on or about August 28, September 20, and October 21, 1920, respectively, and transported from the State of Illinois into the State of Nebraska, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "* * * Jewel Brand Lemon Flavor Pie Filling Compound" (design showing piece of pie) "* * * Jewel Tea Co., Inc. Headquarters New York, New Orleans, Chicago, San Francisco. * * *."

Adulteration of the article was alleged in the libel for the reason that an artificially colored product consisting essentially of cornstarch, sugar, gelatin, and citric acid, and containing no eggs, had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that it was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Lemon Flavor Pie Filling," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On May 2, 1921, the Jewel Tea Co. having filed its claim and answer to the libel admitting the allegations therein concerning the misbranding of the goods,