

sented that each of the said packages contained by weight one-half pound net of the said 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 packages contained one-half pound net of the said article, whereas, in truth and in fact, each of the said packages did not contain by weight one-half pound net of the said article but did contain 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 December 19, 1921, the defendant entered pleas of guilty to the informations, and the court imposed fines in the aggregate sum of \$40.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10156. Adulteration and misbranding of cocoa. U. S. * * * v. Lionel Edward Samuels (National Cocoa Mills). Pleas of guilty. Fines, \$140. (F. & D. Nos. 14328, 14329, 14330, 14331, 14332, 14335, 14336. I. S. Nos. 12840-r, 12841-r, 13007-r, 13008-r, 13009-r, 13010-r, 13012-r, 15791-r.)

On July 5 and 28, 1921, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Lionel Edward Samuels, trading as the National Cocoa Mills, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 26 and March 1 and 28, 1919, respectively, from the State of New York into the State of Massachusetts, and on or about March 26, 1919, from the State of New York into the State of Maryland, of quantities of cocoa which was adulterated and misbranded. The article was labeled in part: "My Own Pure Cocoa * * * National Cocoa Mills, New York City * * *."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of cocoa, cocoa shells, starch, and sugar. Examination by said bureau showed that the article involved in certain of the consignments was short weight.

Adulteration of the article was alleged in the informations for the reason that certain substances, to wit, cocoa shells, starch, and sugar, 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 pure cocoa, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "* * * Pure Cocoa The Cocoa contained in this package is Positively High Grade * * * It is a breakfast cocoa of Superior Quality and Excellence and similar to the highest grades of cocoa which have been awarded First Prize Gold Medals Paris, France, Naples, Italy, London, England, World's Fair 1885, St. Louis Exposition 1904 Absolutely Pure * * *," borne on the packages containing the article, together with the respective statements, "Net Weight $\frac{1}{2}$ Lb." and "Net Weight $\frac{1}{2}$ Lb.," borne on the packages containing a portion of the said article, regarding the article and the ingredients and substances contained therein, not corrected by the statement "'My Own' Cocoa Compound Containing Cocoa Sugar Corn Starch," stamped on the said packages, were false and misleading in that they represented that the article consisted wholly of absolutely pure cocoa of the highest grade, and that certain of the said packages contained by weight one-fifth pound or one-half pound, as the case might be, of the said 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 it consisted wholly of absolutely pure cocoa of the highest grade, and that certain of the said packages contained by weight one-fifth pound or one-half pound, as the case might be, of the said article, whereas, in fact and in truth, the said article did not consist wholly of absolutely pure cocoa of the highest grade, and the said packages so labeled "Net Weight $\frac{1}{2}$ Lb." and "Net Weight $\frac{1}{2}$ Lb.," respectively, did not contain by weight one-fifth pound net or one-half pound net, as the case might be, of the said article, but did contain a less amount. Misbranding was alleged with respect to a portion of the said article 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 December 19, 1921, the defendant entered pleas of guilty to the informations, and the court imposed fines in the aggregate sum of \$140.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*