

10354. Misbranding of Phoenix shortening. U. S. * * * v. Phoenix Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 14309. I. S. No. 275-t.)

On April 13, 1921, the United States attorney for the Western District of Tennessee, 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 Phoenix Cotton Oil Co., a corporation, Memphis, Tenn., alleging shipment by said company, on or about April 3, 1920, in violation of the Food and Drugs Act, as amended, from the State of Tennessee into the State of Arkansas, of a quantity of Phoenix shortening which was misbranded. The article was labeled in part: "For All Cooking Phoenix The Ideal Shortening Memphis Tennessee Nothing Just As Good Net Weight 2 Lbs."

An examination of 6 cans of the product by the Bureau of Chemistry of this department showed an average net shortage of 2.25 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 2 Lbs.," borne on the labels attached to the cans containing the article, regarding the article, was false and misleading in that it represented that each of the said cans contained 2 pounds net thereof, 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 cans contained 2 pounds net of the article, whereas, in truth and in fact, each of the said cans did not contain 2 pounds net of the 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 October 3, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

10355. Misbranding of cottonseed cake. U. S. * * * v. The Chickasha Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 14763. I. S. No. 18822-r.)

On June 29, 1921, the United States attorney for the Western District of Oklahoma, 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 Chickasha Cotton Oil Co., a corporation, trading at Clinton, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 19, 1919, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "The Chickasha Cotton Oil Co., Chickasha, Okla. * * * Manufacturers of Cotton Seed Products * * * 'Chickasha Quality' Cottonseed Cake or Meal * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 41.9 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis * * * Protein, not less than 43 per cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 43 per cent of protein, 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 contained not less than 43 per cent of protein, whereas, in truth and in fact, the said article did contain less than 43 per cent of protein, to wit, 41.9 per cent of protein.

On February 9, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

10356. Adulteration and misbranding of canned salmon. U. S. * * * v. 1,000 Cases and 1,000 Cases of Canned Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15637, 15640. I. S. No. 9321-t. S. Nos. E-3656, E-3661.)

On November 26 and 28, 1921, respectively, the United States attorney for the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2,000 cases of canned salmon, remaining in

the original unbroken packages at Atlanta and Gainesville, Ga., or vicinity, alleging that the article had been imported from Vancouver, B. C., by the Kenai Packing Co., Seattle, Wash., and transported from Vancouver, B. C., into the State of Georgia, arriving at Atlanta on or about November 14, 1921, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "* * * Talls Pink Salmon Kenai Packing Co., Drier Bay, Alaska * * *"; (cans) "Kay-Square Brand Select Pink Salmon * * * Keen-Eye Inspection. Fresh Fish. Clean Canneries * * *"

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, to wit, spoiled, putrid, and rotten salmon.

Misbranding was alleged in substance for the reason that the statement appearing in the labeling of both consignments of the article, "Keen-Eye Inspection," and the additional statement, "Fresh Fish," appearing in the labeling of a portion of the said article, and the statement, "Fresh Fish Inspected," appearing in the labeling of the remainder thereof, were false and misleading in that they misled the purchaser and created in the mind of the purchaser the belief that the said article had been carefully inspected and was sound and wholesome as an article of food, whereas, in truth and in fact, it was not.

On March 8, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

10357. Adulteration of canned stringless beans. U. S. * * * v. 130 Cases * * * of Cut Stringless Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15976. Inv. No. 29831. S. No. E-3771.)

On February 11, 1922, the United States attorney for the Western District of Pennsylvania, 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 130 cases of canned stringless beans, at McKeesport, Pa., alleging that the article had been shipped by the Webster-Butterfield Co., Baltimore, Md., on or about October 17, 1921, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Southern Queen Brand Cut Stringless Beans * * * Packed By Webster-Butterfield Co. Inc., Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 7, 1922, 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.

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

10358. Misbranding of cane sirup. U. S. * * * v. 4 Dozen Small and 54 Large Cans of Cane Sirup * * *. Judgment by consent finding product to be misbranded and ordering its release under bond. (F. & D. No. 16055. I. S. Nos. 9477-t, 9478-t. S. No. E-3784.)

On February 17, 1922, 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 a libel for the seizure and condemnation of 4 dozen small cans and 54 large cans of cane sirup, at Raleigh, N. C., alleging that the article had been shipped by the Blackman-Morris Co., New Orleans, La., on or about January 7, 1922, and transported from the State of Louisiana into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Purity Brand Pure Louisiana Cane Syrup * * *"

Misbranding of the article was alleged in substance in the libel for the reason that the respective statements appearing on the labels of the cans containing the said article, to wit, "Net Average Weight 5 Lbs. 2 Oz." (or "9 Lbs. 8 Oz.") "Guaranteed By Blackman-Morris Co. Under Food And Drugs Act, June 30th, 1906," were false and misleading and deceived and misled the purchaser. Misbranding was alleged in substance for the further reason