

10409. Misbranding of potatoes. U. S. * * * v. Newbern Produce Co., a Corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 15599. I. S. Nos. 5979-t, 5980-t.)

On March 23, 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 an information against the Newbern Produce Co., a corporation, Elizabeth City, N. C., alleging shipment by said company, on or about June 7 and 8, 1921, respectively, in violation of the Food and Drugs Act, as amended, from the State of North Carolina into the State of Pennsylvania, of quantities of potatoes in barrels, which were misbranded.

Misbranding of the article was alleged in the information for the 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 April 12, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

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

10410. Adulteration of oranges. U. S. * * * v. 462 Boxes * * * of Oranges, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15787, 15788. I. S. Nos. 1801-t, 18513-t. S. Nos. C-3444, C-3458.)

On February 28 and March 9, 1922, respectively, the United States attorney for the Northern District of Illinois, 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 924 boxes of oranges, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in part by C. M. Brown, Redlands, Calif., and in part by the Stewart Fruit Co., Riverside, Calif., on or about February 17 and 28, 1922, respectively, and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "Golden Bell Brand Extra Fine Oranges, Packed by C. M. Brown, Redlands, San Bernardino County, Cal." and "Parent Tree Brand * * * Orange, Lindsey, Cal."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a decomposed vegetable substance.

On or about March 2 and 27, 1922, respectively, the Fry Brokerage Co., Chicago, Ill., and the Stewart Fruit Co., Riverside, Calif., having entered their appearances as the respective claimants for the property and having admitted the material allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, the good portion to be delivered to the respective claimants and the bad portion destroyed.

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

10411. Misbranding of cottonseed cake. U. S. * * * v. El Dorado Oil Mills & Fertilizer Co., a Corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 11622. I. S. No. 11957-r.)

On July 20, 1920, the United States attorney for the Western 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 the El Dorado Oil Mills & Fertilizer Co., a corporation, El Dorado, Ark., alleging shipment by said company, on or about January 15, 1919, in violation of the Food and Drugs Act, as amended, 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: "100 Lbs. Gross 99 Lbs. Net Single Hump" (cut of camel) "Brand Cotton Seed Meal or Cracked Screened Cake * * *."

Examination, by the Bureau of Chemistry of this department, of 65 sacks of the product taken from the consignment showed that the average net weight of the sacks examined was 97.15 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Lbs. Gross 99 Lbs. Net," borne on the tags attached to the sacks containing the article, regarding the article, were false and misleading in that they represented that each of the said sacks contained 99 pounds