

Misbranding of the articles was alleged in substance in the libels for the reason that the cans containing the same each bore a certain statement, to wit, "One Quart Net" or "One Gallon Net," as the case might be, which said statement was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On September 16 and October 5, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10887. Adulteration and misbranding of cumin seed. U. S. v. 2 Barrels of Cumin Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15416. I. S. No. 905-t. S. No. C-3263.)

On October 6, 1921, the United States attorney for the Southern District of Ohio, 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 2 barrels of cumin seed, returned by the original consignee, September 16, 1921, and remaining unsold in possession of the Heekin Co., Cincinnati, Ohio, alleging that the article had been shipped from Indianapolis, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that sand and grit had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, cumin seed.

On January 28, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10888. Misbranding of molasses. U. S. v. Alexander Molasses Co., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 15443. I. S. Nos. 10852-t, 10853-f.)

On January 14, 1921, the United States attorney for the Southern District of Ohio, 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 Alexander Molasses Co., a corporation, trading at Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 4, 1920, from the State of Ohio into the State of California, of quantities of molasses which was misbranded. The article was labeled in part: "Dove Brand * * * Molasses No. 5 Can. Contains 4 Lbs. 10 Oz. Avd." (or "No. 10 Can Contains 9 Lbs. 3 Oz. Avd.") "Alexander Molasses Company General Offices, Chicago."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the average net weight of 100 of the small cans was 4 pounds 7.48 ounces, and that the average net weight of 70 of the large cans was 8 pounds 7.29 ounces.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Contains 9 Lbs. 3 Oz. Avd." and "Contains 4 Lbs. 10 Oz. Avd." borne on the labels attached to the respective-sized cans containing the article, regarding the said article, were false and misleading in that the said statements represented that each of the said cans contained not less than 9 pounds 3 ounces or 4 pounds 10 ounces, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 9 pounds 3 ounces or 4 pounds 10 ounces, as the case might be, of the said article, whereas, in truth and in fact, each of said cans did contain less of the said article than the amount stated on the said labels. 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 said packages.

On June 30, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*