

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12551-12600

[Approved by the Secretary of Agriculture, Washington, D. C., January 12, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12551. Misbranding of molasses feed. U. S. v. Grain Belt Mills Co., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 17704. I. S. No. 10455-v.)

On February 15, 1924, the United States attorney for the Western District of Missouri, 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 Grain Belt Mills Co., a corporation, St. Joseph, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about November 3, 1922, from the State of Missouri into the State of Kentucky, of a quantity of molasses feed which was misbranded. The article was labeled in part: (Tag) "Tiger Alfalfa Molasses Feed Made by Grain Belt Mills Co. So. St. Joseph, Mo. Guaranteed Analysis Protein 10.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 8.07 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 10.00 Per Cent," borne on the tags attached to the sacks containing the said article, was false and misleading in that the said statement represented that the article contained not less than 10 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of protein, whereas, in truth and in fact, it did contain less than 10 per cent of protein, to wit, approximately 8.07 per cent of protein.

On March 15, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12552. Misbranding of cottonseed meal. U. S. v. Eastern Cotton Oil Co., a Corporation. Judgment for the Government. Fine, \$45. (F. & D. No. 17776. I. S. Nos. 1296-v, 1459-v, 2593-v.)

On November 10, 1923, 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 Eastern Cotton Oil Co., a corporation, Edenton, N. C., alleging shipment by said company, in violation of the food and drugs act, from the State of North Carolina, on or about December 4, 1922, into the State of Maryland, on or about December 11, 1922, into the State of Virginia, and on or about January 2, 1923, into the State of Pennsylvania, of quantities of cottonseed meal which was misbranded. The consignments of December 4, 1922, and January 2, 1923, were labeled in part: (Tag) "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured by Eastern Cotton Oil Company Edenton, N. C., Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%

* * * Fibre not more than 10.00%." The consignment of December 11, 1922, was labeled in part: (Tag) "Ideal Cotton Seed Meal 100 lbs. net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 43.00% Equivalent to Ammonia 8.35%, * * * Fibre not more than 10.00%."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the consignment of December 4, 1922, contained 38.9 per cent of protein, equivalent to 7.56 per cent of ammonia, the consignment of December 11, 1922, contained 40.25 per cent of protein, equivalent to 7.84 per cent of ammonia, and 10.51 per cent of crude fiber, and the consignment of January 2, 1923, contained 37.06 per cent of protein, equivalent to 7.21 per cent of ammonia, and 11.98 per cent of crude fiber.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Protein not less than 41.00% Equivalent to Ammonia 8.00%," borne on the tags attached to the sacks containing the product consigned December 4, 1922, the statement, to wit, "Protein not less than 43.00% Equivalent to Ammonia 8.35% * * * Fibre not more than 10.00%," borne on the tags attached to the sacks containing the product consigned December 11, 1922, and the statement, to wit, "Protein, not less than 41.00% Equivalent to Ammonia, 8.00% * * * Fibre, not more than 10.00%," borne on the tags attached to the sacks consigned January 2, 1923, were false and misleading in that the said statements represented that the article contained the respective amounts of protein and ammonia declared on the labels, and that a portion thereof contained not more than 10 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the respective amounts of protein and ammonia declared on the labels and that a portion of the said article contained not more than 10 per cent of crude fiber, whereas, in truth and in fact, the said article contained less protein and ammonia than was declared on the respective labels, and the said portion contained more than 10 per cent of crude fiber.

On April 17, 1924, the court having determined that the allegations of the information were true, it was adjudged by the court that the defendant company pay a penalty of \$45.

HOWARD M. GORE, *Secretary of Agriculture.*

12553. Adulteration of shell eggs. U. S. v. Smith German. Plea of guilty. Fine, \$25. (F. & D. No. 18309. I. S. No. 699-v.)

At the January, 1924, term of the United States District Court within and for the Eastern District of Virginia, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against Smith German, The Plains, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 26, 1923, from the State of Virginia into the District of Columbia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 2,880 eggs from the consignment showed that 181, or 6.3 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On July 7, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12554. Adulteration of chili sauce. U. S. v. 396 Cases of Chili Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18490. I. S. No. 12157-v. S. No. W-1496.)

On March 13, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 396 cases of chili sauce, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from Provo, Utah, on or about February 13, 1924, and transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: