

On November 14, 1924, 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.

W. M. JARDINE, *Secretary of Agriculture.*

12867. Adulteration and misbranding of salad mustard. U. S. v. 27 Cases of Salad Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18830. I. S. No. 20215-v. S. No. W-1524.)

On September 29, 1924, the United States attorney for the District of Oregon, 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 27 cases of salad mustard, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Packers Supply Co., from Oakland, Calif., on or about May 19, 1924, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Palace Car Brand Salad Mustard With Turmeric."

Adulteration of the article was alleged in the libel for the reason that mustard bran had been mixed and packed therewith so as to reduce or injuriously affect its quality or strength and had been substituted wholly or 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 and in that the designation "Salad Mustard" was false and misleading and deceived and misled the purchaser when applied to a product containing added mustard bran.

On November 14, 1924, 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.

W. M. JARDINE, *Secretary of Agriculture.*

12868. Adulteration and misbranding of grape juice. U. S. v. 15 Cases and 10 Cases of Grape Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18921. I. S. Nos. 18994-v, 18995-v. S. No. C-4459.)

On August 20, 1924, the United States attorney for the Northern District of Illinois, 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 25 cases of grape juice, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the John C. Meir Grape Juice Co., from Silverton, Ohio, July 10, 1924, and transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Lady Clementine Catawba Grape Juice."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the bottles containing the article bore the following statements, "Lady Clementine Catawba Grape Juice Contents 12½ Fl. Oz." (or "1 Pt. 9 Fl. Oz.") "Contains about .034 of 1% Sulphur Dioxide," which statements were false and misleading in that they represented to the purchaser that the article consisted of grape juice, and for the further reason that the said statements deceived and misled the purchaser into the belief that the article was grape juice, whereas, in truth and in fact, it consisted in part of added water and was offered for sale under the distinctive name of Catawba grape juice.

On November 13, 1924, 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.

W. M. JARDINE, *Secretary of Agriculture.*

12869. Misbranding of butter. U. S. v. Sugar Creek Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18087. I. S. Nos. 6844-v, 6845-v.)

On June 6, 1924, the United States attorney for the Western District of Kentucky, 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 Sugar Creek Creamery Co., a corporation, trading at Louisville, Ky.,

alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 5, 1923, from the State of Kentucky into the State of Louisiana, of a quantity of butter which was misbranded. The article was labeled in part: "One Pound Net Velvet Brand Elgin Creamery Butter."

Analyses by the Bureau of Chemistry of this department of two samples consisting of 64 packages and 36 packages, respectively, taken from the consignment, showed that the average net weight of the said samples was 15.59 ounces and 15.61 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading, in that the said statement represented that each of the packages contained 1 pound net of butter, 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 said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net of butter 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 September 25, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

12870. Misbranding of cottonseed meal. U. S. v. Americus Oil Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 17782. I. S. Nos. 1667-v, 3186-v, 3191-v.)

On April 15, 1924, the United States attorney for the Southern District of Georgia, 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 Americus Oil Co., a corporation, Americus, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about September 12, 1922, from the State of Georgia into the State of Florida, and on or about November 17, 1922, from the State of Georgia into the State of Connecticut, of quantities of cottonseed meal which was misbranded. The article in the shipment to Connecticut was labeled in part: "Cotton Seed Meal * * * Guaranteed Analysis Protein (Equivalent to 7% ammonia) 36.00% Fat 5.00% * * * Nitrogen 5.75% Fibre 14.00%." The article in the shipment to Florida was labeled in part: "Cotton Seed Meal Guaranteed Analysis Ammonia 7.00% Protein 36.00% Fat—not less than 5.50% * * * Fibre—not more than 12.50%."

Analysis by the Bureau of Chemistry of this department of a sample of the product shipped November 17 into Connecticut showed that it contained 35 per cent of protein, 6.81 per cent of ammonia, 5.60 per cent of nitrogen, and 16.27 per cent of fiber. Analysis by said bureau of a sample from each of the two shipments of September 12 into Florida showed that the said samples contained 6.22 per cent and 6.18 per cent, respectively, of ammonia, 32.02 per cent and 31.76 per cent, respectively, of protein, 5.00 per cent and 4.73 per cent, respectively, of fat, and 16.35 per cent and 16.97 per cent, respectively, of fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein (Equivalent to 7% ammonia), 36.00% * * * Nitrogen 5.75%, Fibre 14.00%," borne on the tags attached to the sacks on the shipment to Connecticut, and the statements, to wit, "Guaranteed Analysis Ammonia 7.00%, Protein 36.00%, Fat—not less than 5.50% * * * Fibre—not more than 12.50%," borne on the tags attached to the sacks on the shipment to Florida, were false and misleading, in that the said statements represented that the article contained not less than the amounts of protein, ammonia, nitrogen, and fat, as the case might be, declared in the said labels and not more than the amounts of fiber so declared, 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 the said amounts of protein, ammonia, nitrogen, and fat, and not less than the said amounts of fiber, whereas, in truth and in fact, the article contained less protein, ammonia, nitrogen, and fat, as the case might be, and more fiber, than declared.

On October 10, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*