

was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On or about May 28, 1925, James E. Eyman, New Orleans, La., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

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

**13470. Misbranding of cottonseed meal. U. S. v. International Vegetable Oil Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19268. I. S. Nos. 2874-v, 2875-v, 13703-v, 13705-v.)**

On March 10, 1925, 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 International Vegetable Oil Co., a corporation, trading at Raleigh, N. C., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 12, 13, and 17, 1923, respectively, from the State of North Carolina into the State of Pennsylvania, of quantities of cottonseed meal which was misbranded. A portion of the product was labeled in part: "Guaranteed Analysis Protein (Equivalent to 8% ammonia) 41.00% \* \* \* Fibre (not more than) 10.00%." The remainder of the product was labeled in part: "Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00% \* \* \* Fibre, not more than 10.00%."

Analyses by the Bureau of Chemistry of this department of a sample taken from each of the 4 lots of the product showed that the said samples contained 7.58 per cent, 7.48 per cent, 7.66 per cent, and 7.51 per cent, respectively, of ammonia, 38.94 per cent, 38.44 per cent, 39.94 per cent, and 38.63 per cent, respectively, of protein, and 11.64 per cent, 11.59 per cent, 10.66 per cent, and 12.14 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 8% ammonia) 41.00% Fibre (not more than) 10.00%," with respect to a portion of the product, and "Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00% Fibre, not more than 10.00%," with respect to the remainder thereof, borne on the labels, were false and misleading, in that the said statements represented that the article contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, or not less than 41.12 per cent of protein, equivalent to 8 per cent of ammonia, as the case might be, and contained not more than 10 per cent of 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 not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, or not less than 41.12 per cent of protein, equivalent to 8 per cent of ammonia, and contained not more than 10 per cent of fiber, whereas the article contained less than the amounts of protein declared on the respective labels, less than the equivalent of 8 per cent of ammonia, and more than 10 per cent of fiber.

At the May, 1925, term of court 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. F. MARVIN, *Acting Secretary of Agriculture.*

**13471. Adulteration and misbranding of butter. U. S. v. 750 Pounds et al. of Butter. Product released under bond to be reprocessed. (F. & D. Nos. 18960, 18961. I. S. Nos. 18279-v, 18280-v. S. Nos. C-4470, C-4471.)**

On or about August 18, 1924, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,950 pounds of butter, at Memphis, Tenn., alleging that the article had been shipped by the Beebe Ice Co., Beebe, Ark., August 5, 1924, and transported from the State of Arkansas into the State of Tennessee, and charging misbranding with respect to a portion thereof and adulteration and misbranding with respect to the remainder, in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Carton)

"Jersey Brand Butter \* \* \* One Pound Net Weight." The remainder of the article was labeled in part: (Carton) "Strawberry Brand Pasteurized Creamery Butter. \* \* \* Creamery Department of Beebe Ice Co. Beebe, Ark. \* \* \* One Pound Net."

Adulteration was alleged with respect to the Jersey brand butter for the reason that excessive moisture had been mixed and packed with and substituted for butter, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged with respect to both lots of the product for the reason that the statements "One Pound" and "One Pound Net," appearing in the labelings of the respective lots, were false and misleading and deceived and misled the purchaser, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 21, 1924, the Beebe Creamery Co., Beebe, Ark., having appeared as claimant for the property and having filed certified checks in lieu of bonds, judgments of the court were entered, ordering that the product be released to the said claimant to be reprocessed and that the claimant pay the costs of the proceedings.

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

**13472. Adulteration and misbranding of cheese. U. S. v. 3½ Boxes of Cheese. Product ordered destroyed. (F. & D. No. 18383. I. S. No. 4365-v. S. No. C-4279.)**

On February 13, 1924, the United States attorney for the Eastern District of Michigan, 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 3½ boxes of cheese, at Detroit, Mich., consigned from Chicago, Ill., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., January 29, 1924, and transported in interstate commerce from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Individual package) "Daisy Brand Farmer Cheese Chicago Cheese & Farm Products Co."

Adulteration of the article was alleged in substance in the libel for the reason that it had been mixed and packed with foreign fat so as to injuriously affect its quality, and for the further reason that cheese made from foreign substances had been substituted wholly or in part for cheese made from animal fat substances, which the article purported to be.

Misbranding was alleged for the reason that the statement "Cheese," appearing in the labeling, was false and misleading, in that the product contained foreign fat, for the further reason that it was labeled "Cheese" so as to deceive and mislead purchasers, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, cheese.

On June 17, 1924, no claimant having appeared for the property and no market existing for the product, an order of the court was entered, providing for its destruction by the United States marshal.

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

**13473. Adulteration of shell eggs. U. S. v. Theophilus Jimerson (Jimerson Bros.). Plea of guilty. Fine, \$20. (F. & D. No. 19309. I. S. No. 18281-v.)**

On May 25, 1925, the United States attorney for the Eastern 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 Theophilus Jimerson, trading as Jimerson Bros., Newark, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 7, 1924, from the State of Arkansas into the State of Tennessee, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Jimerson Bros., Newark, Ark."

Examination by the Bureau of Chemistry of this department of 540 eggs from the consignment showed that 123 eggs, or 22.8 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, spot rots, and blood rings.

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