

14935. Misbranding of meat and bone scrap. U. S. v. The Berg Co. Plea of nolo contendere. Fine, \$600. (F. & D. No. 21545. I. S. Nos. 697-x, 1069-x, 1092-x, 8670-x, 8674-x, 10667-x.)

On October 18, 1926, the United States attorney for the Eastern District of Pennsylvania, 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 Berg Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, in various consignments, between the dates of April 22, 1925, and March 13, 1926, from the State of Pennsylvania in part into the State of Maryland and in part into the State of California, of quantities of meat and bone scrap which was misbranded. The article was labeled in part: "Berg's 50% Protein" (or "75% Protein" or "55% Protein") "Poultry Meat & Bone Scrap Guaranteed Analysis Min. Protein 50.00%" (or "75%" or "55.00%") "Manufactured by The Berg Company Incorporated Philadelphia, Pa."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "50% Protein" and "Guaranteed Analysis Min. Protein 50.00%," with respect to a portion of the product; "75% Protein" and "Guaranteed Analysis Min. Protein 75%," with respect to a portion of the said product; and "55% Protein" and "Guaranteed Analysis Min. Protein 55.00%," with respect to the remainder thereof, borne on the labels of the article, were false and misleading, in that the said statements represented that said article contained the amount of protein declared on the label thereof, 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 amount of protein declared on the said label, whereas the said article contained less protein than so represented.

On March 17, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$600.

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

14936. Misbranding of cottonseed cake. U. S. v. 400 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21472. I. S. No. 15177-x. S. No. W-2060.)

On December 18, 1926, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed cake, remaining unsold in the original packages at Clayton, N. Mex., alleging that the article had been shipped by the Sweetwater Cotton Oil Co., Sweetwater, Tex., December 4, 1926, and transported from the State of Texas into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "43 Per Cent Protein Cottonseed Cake Prime Quality Manufactured by Sweetwater Cotton Oil Co., Sweetwater, Texas."

It was alleged in substance in the libel that the sacks were misbranded and the contents thereof adulterated, in that the statements on the labels of the said sacks regarding the chemical contents of the article were false and misleading and intended and calculated to deceive and did deceive the purchaser, in that a product containing less than 43 per cent of protein had been substituted for 43 per cent protein cottonseed cake, which the said article purported to be.

On January 10, 1927, the Sweetwater Cotton Oil Co., Sweetwater, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or otherwise disposed of contrary to law.

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

14937. Adulteration and misbranding of powdered milk. U. S. v. 2 Barrels of Powdered Milk. Consent decree of condemnation and forfeiture. Product released upon filing of collateral. (F. & D. No. 21527. I. S. No. 920-x. S. No. W-2084.)

On January 11, 1927, 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 seizure and condem-