

represented that the articles were composed solely of the ingredients stated on the labels, and that they contained the amount of protein and fat declared, and for the further reason that they were labeled so as to deceive and mislead the purchaser into the belief that they were composed solely of the ingredients stated on the labels and that they contained the amount of protein and fat declared; whereas the various lots of the articles failed to conform to the labels in the following respects: Portions of the said meat scraps were labeled "Packer Products Company, of Chicago, Ill., Guarantees this Honeymeade Meat Scraps to contain not less than * * * 50.0 per cent of crude protein * * * and to be compounded from the following ingredients: Meat and Bone Residue," whereas the article contained less than 50 per cent of crude protein and was compounded in part of hoof meal and bone meal; a portion of the said meat scraps was labeled, "50% Protein Meat Scraps Guaranteed Analysis * * * Protein—50%," whereas it contained less than 50 per cent of protein; a portion of the said digester tankage was labeled, "Packer Products Company, of Chicago, Ill., Guarantees this Porker Brand 60% Protein Digester Tankage to contain not less than * * * 60.0 Per cent of crude protein * * * and to be compounded from the following ingredients: Meat and Bone Residue," whereas the article contained less than 60 per cent of crude protein, and was compounded in part of hoof meal; a portion of the said tankage was labeled, "60% Digester Tankage, Crude Fat 6% Crude Protein 60% * * * Ingredients Meat and Bone Residue," whereas it contained less than 60 per cent of crude protein, less than 6 per cent of crude fat and was composed in part of hoof meal and cocoa shells; portions of the tankage were labeled, "Digester Tankage * * * Ingredients Meat & Bone Residue," whereas they were composed in part of other substances, namely, ground leather scraps, cocoa shells or ground leather scraps and hoof meal; portions were labeled, "Packer Products Company, * * * Guarantees this * * * Digester Tankage * * * to be compounded from the following ingredients: Meat and Bone Residue," whereas it was composed in part of ground leather scraps, and a portion of the said tankage was labeled, "60% Digester Tankage Guaranteed Analysis * * * Crude Protein 60% * * * Ingredients Meat & Bone Residue," whereas it contained less than 60 per cent of crude protein, and was composed in part of ground leather scraps.

On March 8, 1932, a plea of guilty to each information was entered on behalf of the defendant company, and the court imposed a fine of \$360 in one case and \$200 in the other.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19255. Misbranding of canned peas. U. S. v. 1,500 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27210. I. S. No. 40300. S. No. 5372.)

Samples of canned peas from the shipment herein described were found to fall below the legal standard for the article, in that they did not have the normal flavor of canned peas and contained an excessive proportion of hard peas.

On November 3, 1931, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,500 cases of canned peas, remaining in the original and unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about September 12, 1931, by the Wabash Canning Corporation, from Wabash, Ind., and had been transported in interstate commerce from the State of Indiana into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "White Cloud Brand * * * Early June Peas * * * Packed * * * by the Wabash Canning Corporation, Wabash, Ind."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it was not normally flavored and contained an excessive amount of hard peas, and the packages or labels did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On February 25, 1932, the Wabash Canning Corporation, Wabash, Ind., claimant, having filed a written appearance and answer admitting all the

material allegations of the libel, 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 costs and the execution of a bond in the sum of \$3,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19256. Adulteration and misbranding of strawberry cream sandwich. U. S. v. 72 Cartons of Strawberry Cream Sandwich. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 24738. I. S. No. 027784. S. No. 3086.)

Examination of a baker's confection, known as strawberry cream sandwich, showed that the article contained little or no strawberry fruit, strawberry juice, or strawberry flavor, and that the artificial color contained in the article was not properly declared.

On April 26, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 cartons of the said strawberry cream sandwich, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Loose-Wiles Biscuit Co., from Long Island City, N. Y., on or about January 20, 1930, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, (retail package) "Sunshine Strawberry Cream Sandwich Delicious shortcake encasing delightfully flavored velvety strawberry cream. Artificially Colored and Flavored * * * Loose-Wiles Biscuit Company. * * * New York, N. Y.," together with a cut showing one of the cakes bearing design of a strawberry.

It was alleged in the libel that the article was adulterated in that a substance artificially colored and containing little or no strawberry or strawberry juice, and containing little or no strawberry flavor, either natural or artificial, had been substituted for strawberry cream sandwich which the article purported to be. Adulteration was alleged for the further reason that the article was colored with artificial color in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Strawberry Cream Sandwich," borne on the packages, was false and misleading and deceived and misled the purchaser, since the said statement represented that the article contained a substantial amount of strawberry or strawberry juice, whereas it was artificially colored and contained little or no strawberry or strawberry juice. Misbranding was alleged for the further reason that the statement "Strawberry Cream Sandwich" in large conspicuous type, borne on the said package, was not corrected by the statement "Artificially colored and flavored," appearing on the package, since the latter statement was in small, inconspicuous, and practically unnoticeable type. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and the word "Imitation" was not stated on the cartons and packages.

On March 30, 1931, by consent of the owners, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19257. Adulteration of cream. U. S. v. Four 10-Gallon Cans, et al., of Cream. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27276, 27277, 27278, 27287, 27304. I. S. Nos. 46007, 46008, 46009, 46010, 46011, 46012. S. Nos. 5464, 5466, 5486, 5494.)

Examination of the cream in the shipments herein described having shown the product to contain formaldehyde, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On November 23, 1931 and December 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of sixteen 10-gallon cans of cream, in part at the following points in Florida: Tampa, St. Petersburg, Hialeah, and Orlando, and remaining in the original unbroken packages at said points. It was