

and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20201. Adulteration of pears. U.S. v. 532 Boxes of Bartlett Pears, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 28933, 28934, 29065, 29066, 29067. Sample nos. 4814-A, 4815-A, 4816-A, 4817-A, 4818-A.)

These actions involved several carloads of pears that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On or about September 2, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid five libels praying seizure and condemnation of a total of 2,660 boxes of pears at Chicago, Ill., alleging that the article had been shipped by the Lambert Marketing Co. from Tehachapi, Calif., in various shipments on or about August 22, August 24, and August 25, 1932, and had been transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Tejon Brand Tehachapi Bartletts * * * Lambert Marketing Co. * * * California." The remainder was labeled in part: "Lambert Marketing Co. * * * T-hacha-P Brand * * * California Mountain Bartletts Tehachapi Fruit Growers Assn. Tehachapi, California."

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

The Lambert Marketing Co., Sacramento, Calif., having entered an appearance as claimant and having admitted the allegations of the libel and consented to the entry of a decree, the five cases were consolidated into one cause of action. On September 7, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for salvaging under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$13,000, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20202. Misbranding of cottonseed cake and meal. U.S. v. Independent Cotton Oil Co. of Wagoner. Plea of guilty. Fine, \$50. (F. & D. no. 27419. I.S. nos. 18318, 18319.)

This action was based on the interstate shipment of quantities of cottonseed cake and meal, sample sacks of which were found to contain less than 100 pounds, the weight declared on the label.

On January 4, 1932, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Independent Cotton Oil Co. of Wagoner, a corporation, Wagoner, Okla., alleging shipment by said company, in violation of the Food and Drugs Act as amended, in part on or about October 31, 1930, and in part on or about December 27, 1930, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed cake and meal that was misbranded. The article was labeled in part: (Sack tag) "100 Pounds Net Weight Cotton Seed Cake and Meal * * * Manufactured by Independent Cotton Oil Co. of Wagoner * * * Oklahoma."

It was alleged in the information that the article was misbranded in that the statement "100 Pounds Net Weight" was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the sacks contained less than 100 pounds. 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 stated on the outside of the package, since the statement made was incorrect.

On November 10, 1932, the defendant company entered a plea of guilty to each count of the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*