

found to contain less than 43 percent of protein, the amount declared on the label.

On August 24, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Standard Cake & Meal Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, between the dates of October 20, 1931, and February 27, 1932, from the State of Missouri into the State of Kansas, of quantities of cottonseed meal and cottonseed cake that were adulterated and misbranded. Certain lots were labeled in part: "Standard Quality Cotton Seed Meal or Cake * * * Manufactured by Standard Cake and Meal Co., Kansas City, Mo. Analysis Protein Basis 43 percent." One lot was further labeled: "Interstate Brand 43 percent Protein." The remainder were labeled in part: "Cottonseed Cake and Meal 'Superior Quality' * * * Guaranteed Analysis Protein, not less than 43% * * * Distributed by Superior Cake & Meal Co. * * * Kansas City, Mo."

It was alleged in the information that the articles were adulterated in that a product containing less than 43 percent of protein had been substituted for a product containing 43 percent of protein, which the articles purported to be.

Misbranding was alleged for the reason that the statements, "Guaranteed Analysis Protein, not less than 43%", and "Analysis Protein Basis 43 percent * * * 43% Protein", borne on the tags attached to the sacks containing the articles, were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they contained less than 43 percent of protein.

On April 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21035. Adulteration of apples. U. S. v. 40 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29655. Sample no. 23433-A.)

This case involved an interstate shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On December 1, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on November 29, 1932, by George Heidema from Holland, Mich., and charging adulteration in violation of the Food and Drugs Act.

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

On April 4, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21036. Adulteration of butter. U. S. v. Richard V. Gustafson. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 29443. I. S. no. 42702.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 4, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Richard V. Gustafson, a member of a partnership trading as Gustafson Bros. Dairy Co., Burlington, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 9, 1931, from the State of Iowa into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by law, which the article purported to be.

On April 18, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21037. Misbranding of cottonseed meal and cake. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, \$175. (F. & D. no. 29367. I. S. nos. 23817, 23818, 23820, 45599.)

This case was based on the interstate shipment of four lots of cottonseed meal and cake. In three of the shipments a large number of the sacks were found to contain less than 100 pounds, the declared weight; in the fourth shipment the product was found to contain less protein and more fiber than declared on the label.

On December 7, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southland Cotton Oil Co., a corporation, Oklahoma City, Okla., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of October 1, 1931, and November 18, 1931, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cake that was misbranded. The article was labeled in part (Tag): "100 Lbs. Net Southland's Cottonseed Cake and Meal Prime Quality Guaranteed Analysis Crude Protein, not less than 43% * * * Crude Fibre, not more than 10%, * * * Made * * * by Southland Cotton Oil Company Head Office, Paris, Texas."

It was alleged in the information that portions of the article were misbranded in that the statement "100 Lbs. Net", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the sacks contained less than 100 pounds of the article. Misbranding of the said portions 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, since the statement made was incorrect. Misbranding was alleged with respect to the remainder of the article for the reason that the statements, "Guaranteed Analysis Crude Protein, not less than 43%, Crude Fibre, not more than 10%", borne on the tag, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article contained less than 43 percent of crude protein and more than 10 percent of crude fiber.

On January 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$175.

M. L. WILSON, *Acting Secretary of Agriculture.*

21038. Adulteration of apples. U. S. v. 756 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30112. Sample no. 28163-A.)

This case involved an interstate shipment of apples bearing arsenic and lead in amounts which might have rendered them injurious to health.

On March 15, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 756 boxes of apples at Denver, Colo., consigned from the Herman Ranch, by Ray Nelson, Utahco, Wash., alleging that the article had been shipped in interstate commerce, on or about February 28, 1933, from Toppenish, Wash., to Denver, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Harvest Moon Brand Yakima Valley Fruit * * * C. F. Schaeffer Company."

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

On March 30, 1933, Louis Friedman, Denver, Colo., having appeared as claimant for the property and having admitted the 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 claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*