

district court an information against Miles Friedman, Inc., and Rothenberg & Schneider Bros., Inc., corporations, Chicago, Ill., and Miles Friedman, an officer of the former and Herman Rothenberg and Sam Schneider, officers of the latter, alleging shipment by said defendants in violation of the Food and Drugs Act, between the dates of February 26 and March 29, 1932, from the State of Illinois into the State of New Jersey of quantities of frozen eggs which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 28, 1934, pleas of guilty were entered on behalf of all defendants, and the court imposed a fine of \$175 jointly against Miles Friedman, Inc., and Miles Friedman, and a fine of \$175 jointly against Rothenberg and Schneider Bros., Inc., and Herman Rothenberg and Sam Schneider.

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

**22089. Misbranding of canned cherries. U. S. v. Webster Canning & Preserving Co., Inc. Plea of nolo contendere. Fine, \$100.** (F. & D. no. 30242. Sample nos. 2877-A, 18377-A, 18868-A.)

Samples of canned cherries taken from the shipments on which this case was based were found to contain less than the weight declared on the label.

On August 21, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Webster Canning & Preserving Co., Inc., a corporation, Webster, N.Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 8, 1932, from the State of New York into the State of Texas, and on or about August 13, 1932, from the State of New York into the State of Minnesota, of quantities of canned cherries which were misbranded. The article was labeled in part: (Can) "Checker Brand Water Pack Sour Pitted Red Cherries \* \* \* Contents 1 Lb. 5 Oz. Packed by Webster Canning And Preserving Co., Webster, N.Y."

It was alleged in the information that the article was misbranded in that the statement "Contents 1 Lb. 5 Oz.", borne on the can label, 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 cans contained less than 1 pound 5 ounces of cherries.

On April 9, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**22090. Misbranding of cottonseed meal. U. S. v. Texas Refining Co. Plea of guilty. Fine, \$400.** (F. & D. no. 30245. Sample nos. 19811-A, 19818-A.)

This case was based on two interstate shipments of cottonseed meal, one of which was short weight and the other of which was found to contain less protein than declared on the label.

On September 9, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Texas Refining Co., a corporation, Greenville, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 17 and September 14, 1932, from the State of Texas into the State of Kansas, of two shipments of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Interstate Brand 43% Protein Cotton Seed Cake & Meal Prime Quality Guaranteed Analysis 100 Pounds Net Protein not less than 43%. Made For Interstate Feed Company Fort Worth Texas."

It was alleged in the information that the article was misbranded in that the statements "43% Protein \* \* \* Guaranteed Analysis \* \* \* Protein, not less than 43%.", with respect to the product in one shipment, and the statement "100 Pounds Net", with respect to the product in the second shipment, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since in the former the product contained less than 43 percent of protein and in the latter the sacks contained less than 100 pounds of the article.

On February 12, 1934, the defendant company entered a plea of guilty, and the court imposed a fine of \$400.

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