

23852. Misbranding of tankage. U. S. v. The Wuichet Fertilizer Co. Plea of guilty. Fine, \$10. (F. & D. no. 31484. Sample no. 19178-A.)

This case was based on an interstate shipment of tankage, which contained less protein than declared on the label.

On November 5, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wuichet Fertilizer Co., a corporation, Dayton, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about January 1, 1933, from the State of Ohio into the State of Indiana, of a quantity of tankage which was misbranded. The article was labeled in part: "60% Protein Tankage Manufactured by The Wuichet Fertilizer Company Dayton, Ohio Guaranteed Analysis Crude Protein, not less than 60.0%."

The article was alleged to be misbranded in that the statements, "60% Protein Tankage * * * Guaranteed Analysis Crude Protein, not less than 60.0%", borne on the tag, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 60 percent of crude protein.

On November 5, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

23853. Misbranding of mayonnaise. U. S. v. Alvin A. Baumer (Baumer's Food Products Co.). Plea of guilty. Fine, \$100. (F. & D. no. 31492. Sample no. 35544-A.)

This case was based on an interstate shipment of mayonnaise that contained added water and gum, substances which are not normal ingredients of mayonnaise.

On March 19, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alvin A. Baumer, trading as Baumer's Food Products Co., New Orleans, La., alleging shipment by said defendant on or about September 23, 1932, from the State of Louisiana into the State of Mississippi, of a quantity of mayonnaise which was adulterated and misbranded. The article was labeled in part: (Jar) "Crystal Brand Mayonnaise Made From Vinegar, Egg Yolk, Vegetable Oil, etc. Baumer's Food Products Co. New Orleans, La."

The article was alleged to be adulterated in that added substances, water and gum, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and had been substituted in part for the article. Adulteration was alleged for the further reason that the article had been mixed with water and gum in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Mayonnaise Made From Vinegar, Egg Yolk, Vegetable Oil, etc.", borne on the jar label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchasers, since the said statement represented that the article was mayonnaise made from vinegar, egg yolk, vegetable oil, and other ingredients only which constitute mayonnaise, whereas it contained added water and gum, substances that mayonnaise does not contain.

On December 10, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$100.

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

23854. Adulteration of rice. U. S. v. Arkansas Rice Co., Inc. Plea of nolo contendere. Fine, \$25. (F. & D. no. 31516. Sample no. 24570-A.)

This case was based on an interstate shipment of rice, samples of which were found to contain weevils, beetles, larvae, and mouse excreta.

On May 16, 1934, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Arkansas Rice Co., Inc., Stuttgart, Ark., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 24, 1933, from the State of Arkansas into the State of Wisconsin, of a quantity of rice which was adulterated. The article was labeled in part: "Arkansas Rice Co., Inc., Stuttgart, Ark."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.