

man-Doake Company, Decatur, Ill. Guaranteed Analysis Crude Protein, not less than 16.5% Crude Fat, not less than 3.0%."

The article was alleged to be misbranded in that the statements, "Guaranteed Analysis Crude Protein, not less than 16.5%" and "Crude Fat, not less than 3.0%", borne on the tag, were false and misleading in that they represented that it had a crude protein content of not less than 16.5 percent, and a crude fat content of not less than 3.0 percent; whereas the article had a crude protein content and a crude fat content amounting to less than 16.5 percent and 3.0 percent, respectively; and in that the said statements were borne on the tags so as to deceive and mislead the purchaser.

On April 6, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**27030. Misbranding of cottonseed cake and meal. U. S. v. Warren Cotton Oil & Manufacturing Co. Plea of guilty. Fine, \$10. (F. & D. no. 35965. Sample nos. 33006-B, 33012-B.)**

This product contained a smaller proportion of protein than that declared on the label.

On September 30, 1935, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Warren Cotton Oil & Manufacturing Co., a corporation, Warren, Ark., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 28, 1935, from the State of Arkansas into the State of Kansas, of quantities of cottonseed cake and meal which were misbranded. A portion of the article was labeled: "Chickasha Prime 43% Protein Cottonseed Cake or Meal Guaranteed Analysis Protein not less than 43.00% \* \* \* Manufactured by or for Chickasha Cotton Oil Company Chickasha, Okla." The remainder was labeled: "Ama-Tex Brand 43% Protein Cotton Seed Cake and Meal \* \* \* Guaranteed Analysis Protein not less than 43% \* \* \* Manufactured For C. R. Garner & Co. Amarillo, Texas."

The article was alleged to be misbranded in that the statements, "43% Protein" and "Guaranteed Analysis Protein, not less than 43.00% [or "43%"]," borne on the tags attached to the sacks containing the article, were false and misleading and were borne on said tags so as to deceive and mislead the purchaser, since the article contained less than 43 percent of protein, samples taken from each of the two consignments having been found to contain not more than 39.38 percent and 40.50 percent, respectively, of protein.

On October 31, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**27031. Adulteration of canned tomato paste. U. S. v. 100, 100, and 500 Cartons of Canned Tomato Paste. Default decrees of condemnation and destruction. (F. & D. nos. 36156, 36159, 36215. Sample nos. 15558-B, 16045-B, 16046-B.)**

This product contained filth resulting from worm infestation.

On August 22 and 26, 1935, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 700 cartons of canned tomato paste at New York, N. Y., alleging that it had been shipped in interstate commerce on or about July 13 and 19, 1935, by the Coast Fishing Co., from Wilmington, Calif., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Campania Brand Tomato Paste \* \* \* Packed by [or "Exclusive Packers"] Italian Food Products Co., Inc., Long Beach, Calif." The remainder was labeled: "Reumberto Tomatine Concentrated Tomato Paste \* \* \* United Pure Food Co., N. Y., Distributors."

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

On February 18 and March 25, 1937, orders of the court having been entered providing that the answers of the claimants be withdrawn and canceled, judgments of condemnation were entered and it was ordered that the product be destroyed and that costs be assessed against the claimants, Domenico D'Angiola and the Anaheim Canning Co., Inc. of New York, N. Y.

W. R. GREGG, *Acting Secretary of Agriculture.*