

the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it contained less than 43 per cent of protein.

On September 27, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

8586. Misbranding of cottonseed cake. U. S. * * * v. Charles A. Alling (Pine Bluff Cotton Oil Co.). Plea of guilty. Fine, \$25. (F. & D. No. 12003. I. S. No. 19435-p.)

At the April, 1920, term of court within and for the Eastern District of Arkansas the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against Charles A. Alling, trading as the Pine Bluff Cotton Oil Co., Pine Bluff, Ark., alleging shipment by said defendant, in the name of L. C. Campbell & Co., in violation of the Food and Drugs Act, on or about February 23, 1918, from the State of Arkansas into the State of Missouri, of a quantity of cottonseed meal which was misbranded. The article was labeled in part "Silo Brand Cotton Seed Cake."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 5.48 per cent of total nitrogen, equivalent to 6.65 per cent of ammonia, and 34.21 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the following statement, to wit, "Ammonia not less than 7½%, Protein not less than 38.50%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 7½ per cent of ammonia and not less than 38.50 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article contained not less than 7½ per cent of ammonia and not less than 38.50 per cent of protein, whereas, in truth and in fact, it contained less ammonia and protein.

On September 27, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

8587. Misbranding of cottonseed cake. U. S. * * * v. Planters Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 12108. I. S. No. 12037-r.)

On August 31, 1920, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Cotton Oil Co., a corporation, Navasota, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 7, 1919, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part, "Texas Brand Cotton Seed Cake * * * 100 Pounds Net."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 38.97 per cent of crude protein and 13.22 per cent of crude fiber. Weighing showed an average shortage in net weight of 2.47 pounds per sack.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Shippers Guaranteed Analysis: Protein not less than

43% * * * Crude Fibre not more than 12% " and "100 Pounds Net," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 43 per cent of protein and not more than 12 per cent of crude fiber, and that each of the sacks contained 100 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article contained not less than 43 per cent of protein and not more than 12 per cent of crude fiber, and that each of the sacks contained 100 pounds net of the article, whereas it contained less than 43 per cent of protein and more than 12 per cent of crude fiber, and each of the sacks contained less than 100 pounds of the article. 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 marked on the outside of the package.

On September 27, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

8588. Adulteration and misbranding of canned tuna fish. U. S. * * * v. 1,142 Cases * * * of Canned Tuna Fish. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12115. I. S. Nos. 1-r, 13994-r. S. No. E-1937.)

On January 21, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,142 cases, containing a product purporting to be canned tuna fish, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Stafford Packing Co., Wilmington, Calif., on or about December 5, 1919, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "De Luxe Brand California Striped Tuna * * * Packed by Stafford Packing Co., Wilmington, Calif."

Adulteration of the article was alleged in the libel for the reason that bonito (a fish other than striped tuna fish) had been mixed and packed with, and substituted in part for, striped tuna fish, which the article purported to be.

Misbranding was alleged for the reason that the labels on the packages containing the article bore the statement, viz., "De Luxe Brand California Striped Tuna," which was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "California Striped Tuna Fish."

On May 5, 1920, J. M. McNiece & Co., New York, N. Y., representative of the said Stafford Packing Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant for relabeling under the supervision of this department, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,000, in conformity with section 10 of the act, and on July 22, 1920, an amended decree was entered by consent providing for the form of relabeling that should be used.

E. D. BALL, *Acting Secretary of Agriculture.*