8630. Adulteration and misbranding of canned tomatoes. U. S. * * * v. Chino Canning Co., a Corporation. Plea of guilty. Fine, $30. (F. & D. No. 11618. I. S. No. 7040-r.)

On February 3, 1920, the United States attorney for the Southern District of California, 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 Chino Canning Co., a corporation, Chino, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 25, 1918, from the State of California into the State of Missouri, of a quantity of canned tomatoes which were misbranded. The article was labeled in part, "'Standard' C-C-C Three 'C' Brand Tomatoes Packed by Chino Canning Company, Chino, California, Net Contents 1 Lb. 12 Oz."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an unconcentrated or only very slightly concentrated finely divided tomato pulp or purée, with tomatoes, and that the cans were short weight.

Adulteration of the article was alleged in the information for the reason that a product, to wit, a mixture composed in part of finely divided tomato pulp, or purée, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted for tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Standard Tomatoes" and "Net Contents 1 Lb. 12 Oz.," borne on the labels attached to the cans containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was standard tomatoes, and that each can contained not less than 1 pound 12 ounces thereof, 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 was standard tomatoes, and that each of the cans contained not less than 1 pound 12 ounces thereof, whereas, in truth and in fact, the article was a product, to wit, a mixture composed in part of finely divided tomato pulp, or purée, and each of the cans contained less than 1 pound 12 ounces. 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 March 16, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $30.

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

8631. Adulteration and misbranding of evaporated apples. U. S. * * * v. 1,200 Cases of Ensign Brand Fancy Evaporated Apples. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11648. I. S. Nos. 3127-r, 3184-r. S. No. W-554.)

On December 2, 1919, the United States attorney for the Northern District of California, 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 1,200 cases of an article of food, labeled "Ensign Brand Fancy Evaporated Apples," remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Rosenberg Bros. & Co., from Watsonville, Calif., November 25, 1919, consigned for export to Stockholm, Sweden, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously

affect the quality and strength of the article, and had been substituted in part for said article.

Misbranding was alleged for the reason that the quantity of the contents of the article was not plainly and conspicuously stated on the outside of the cases in terms of weight or measure.

On December 13, 1919, Rosenberg Bros. & Co., San Francisco, Calif., claimant, having 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 upon payment of the costs of the proceedings and the execution of a bond in the sum of $10,000, in conformity with section 10 of the act, conditioned in part that the article be properly branded by stating the quantity of the contents of said article on the outside of the cases in terms of weight or measure, and that the apples be properly dried so as to conform to the provisions of the Food and Drugs Act.

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

8632. Misbranding of cottonseed meal. U. S. * * * v. Joseph Newburger, Robert L. Taylor, John B. Perry, and James T. Thomas (Marianna Cotton Oil Co.). Pleas of guilty. Fine, $50 and costs. (F. & D. No. 11809. I. S. No. 11981-r.)

On or about January 30, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph Newburger, Robert L. Taylor, John B. Perry, and James T. Thomas, copartners, trading as the Marianna Cotton Oil Co., Marianna, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 30, 1919, from the State of Arkansas into the State of Kansas, of a quantity of an article labeled "Good Luck Brand Cotton Seed Meal," which was misbranded.

Forty representative sacks from the shipment averaged 94⅞ pounds net.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds Gross (99 lbs. Net)," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that each of the sacks contained 99 pounds thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the sacks contained 99 pounds thereof, whereas, in truth and in fact, each of the sacks did not contain 99 pounds of the article, but contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On October 5, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

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

8633. Adulteration and misbranding of wheat bran (brown) shorts and wheat screenings. U. S. * * * v. 350 Sacks of Wheat Bran (Brown) Shorts and Wheat Screenings. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11828. I. S. No. 8205-r. S. No. C-1643.)

On December 22, 1919, the United States attorney for the Western District of Arkansas, 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