

Belleville Cotton Oil Co., a corporation, Belleville, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 12, 1918, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Examination of the article by the Bureau of Chemistry of this department showed the average gross weight of 100 sacks to be 95.33 pounds.

Misbranding of the article was alleged in the information for the reason that it 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.*

8738. Adulteration and misbranding of tomatoes. U. S. * * * v. William P. Andrews (Andrews Packing Co.). Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 12357. I. S. No. 15941-r.)

On October 7, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William P. Andrews, trading as the Andrews Packing Co., Salem, Md., alleging shipment from Linkwood, Md., by said defendant, in violation of the Food and Drugs Act, on or about October 7, 1919, from the State of Maryland into the State of Pennsylvania, of a quantity of tomatoes which were adulterated and misbranded. The article was labeled in part, "Asquith Brand Tomatoes * * * Packed by Andrews Packing Co., Salem, Md."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," borne on the labels attached to the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tomatoes, whereas, in truth and in fact, it consisted in part of added water.

On October 7, 1920, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

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

8739. Misbranding of olive oil. U. S. * * * v. Louis Puccinelli. Plea of guilty. Fine, \$100. (F. & D. No. 12362. I. S. No. 2947-r.)

On August 25, 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 an information against Louis Puccinelli, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of California, on September 12, 1919, of a quantity of olive oil which was misbranded. The article was labeled in part, "Net One Gallon" (or "Net Half Gallon") "Pure Olive Oil L. Puccinelli * * *."