

10157. Misbranding of peaches. U. S. * * * v. Georgia Mountain Orchard Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14900. I. S. No. 2303-t.)

On June 18, 1921, the United States attorney for the Northern District of Georgia, 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 Georgia Mountain Orchard Co. [Georgia Mountain Orchards], a corporation, Cornelia, Ga., alleging shipment by said company, on or about August 4, 1920, in violation of the Food and Drugs Act, as amended, from the State of Georgia into the State of Louisiana, of a quantity of peaches contained in baskets, which were misbranded.

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 stated on the outside of the package.

On November 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10158. Adulteration and misbranding of cocoa. U. S. * * * v. Lionel Edward Samuels (National Cocoa Mills). Plea of guilty. Fine, \$20. (F. & D. No. 15255. I. S. No. 15790-r.)

On October 7, 1921, 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 Lionel Edward Samuels, trading as the National Cocoa Mills, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 26, 1919, from the State of New York into the State of Maryland, of a quantity of cocoa which was adulterated and misbranded. The article was labeled in part: "My Own Pure Cocoa * * * National Cocoa Mills, New York City * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sugar and starch.

Adulteration of the article was alleged in the information for the reason that substances, to wit, starch and sugar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure cocoa, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Pure Cocoa," borne on the packages containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted of pure cocoa and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure cocoa, whereas, in truth and in fact, it was not pure cocoa, but was a mixture composed in part of starch and sugar. Misbranding was alleged for the further reason that the article was a mixture composed in part of starch and sugar, prepared in imitation of pure cocoa, and was offered for sale under the distinctive name of another article, to wit, pure cocoa.

On December 19, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10159. Adulteration of cocoa beans. U. S. * * * v. 99½ Bags of Cocoa Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15520. I. S. No. 7916-t. S. No. E-3628.)

On November 2, 1921, the United States attorney for the Eastern District of Pennsylvania, 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 99½ bags of cocoa beans, consigned for the account of Leon Israel & Bros., Inc., New York, N. Y., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from New York, N. Y., on or about September 6, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "H. Murad & Son Cacao."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.