

from the State of Maryland into the State of Illinois, of a quantity of an article of food, to wit, peas in hampers, 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 marked on the outside of the package.

On December 5, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10269. Misbranding of canned crab meat. U. S. \* \* \* v. George Solomon Tull (G. S. Tull & Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 15581. I. S. No. 7892-t.)**

On February 1, 1922, 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 George Solomon Tull, trading as G. S. Tull & Co., Crisfield, Md., alleging shipment by said defendant, on or about May 18, 1921, in violation of the Food and Drugs Act, from the State of Maryland into the State of Pennsylvania, of a quantity of canned crab meat which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed a total shortage of 6.68 ounces in the 12 cans examined, an average shortage of 2.78 per cent from the declared weight.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1-Lb. 4-Oz. Net Contents," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the said cans contained 1 pound 4 ounces net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 pound 4 ounces net of the said article, whereas, in truth and in fact, each of said cans did not contain 1 pound 4 ounces net of the said article, but did contain a less amount. 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 February 1, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10270. Adulteration and misbranding of Bakers' Whip. U. S. \* \* \* v. 9 Pounds 8 Ounces of Bakers' Whip. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13054. I. S. No. 3628-t. S. No. E-2444.)**

On July 30, 1920, the United States attorney for the Southern District of Georgia, 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 9 pounds and 8 ounces of Bakers' Whip, remaining unsold in the original packages at Bainbridge, Ga., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about July 1, 1920, and transported from the State of Missouri into the State of Georgia, and charging, in substance, adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "\* \* \* Bakers Whip \* \* \* Manufactured exclusively by W. B. Wood Mfg. Co., St. Louis, Missouri."

It was alleged in substance in the libel that the article was adulterated in violation of section 7 of the Food and Drugs Act, paragraphs 1, 2, and 4, under the title "Food," in that alum and phosphate baking powders, starch, and gum had been mixed and packed with, and substituted wholly or in part for, the said article and for the further reason that it was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements appearing in the labeling of the article, to wit, "Bakers' Whip An Egg Substitute \* \* \* If you are looking for something to use in place of eggs, this is it. \* \* \* Each one pound of Bakers' Whip is equal in strength to 50 eggs and should be used in like proportion \* \* \* One fourth pound of Bakers Whip is equal to about 13 eggs \* \* \*," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.