

garding 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, not less than 6 per cent of fat, and not more than 12 per cent of crude fiber, and for the further reason that the said 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, not less than 6 per cent of fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, said article did contain less than 43 per cent of protein, less than 6 per cent of fat, and more than 12 per cent of crude fiber. Misbranding of the article labeled as manufactured by the Beeville Oil Mill was alleged for the reason that the statement, to wit, "Guaranteed Analysis: Protein Not Less Than 43.00 per cent * * *," 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 said article contained not less than 43 per cent of protein, and for the further reason that said 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 did contain less than 43.00 per cent of protein.

On April 29, 1922, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$25.

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

10452. Adulteration and misbranding of red kidney beans, so-called. U. S. * * * v. 70 Cases * * * Alleged Kidney Beans * * * et al. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 12152, 12216. I. S. Nos. 8573-r, 9740-r. S. Nos. C-1739, C-1797.)

On February 18, 1920, and March 3, 1920, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 70 cases and 137 cases, each containing 2 dozen cans, of red kidney beans, at Davenport, Iowa, alleging that the article had been shipped on or about November 29, 1919, and January 19, 1920, by the George Van Camp & Sons Co., Westfield, Ind., and transported from the State of Indiana into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Geo. Van Camp's Red Kidney Beans Contents 1 Lb 4 Oz. Packed By George Van Camp & Sons Co., Westfield, Ind.," or "Unlabeled Red Kidney Beans," or "Jonathan Brand Red Kidney Beans."

It was alleged in substance in the libels that the product was adulterated in that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, red kidney beans.

It was alleged that the article was misbranded in violation of Section 8, general paragraph and paragraphs second and fourth under food, in that the statement "Red Kidney Beans" was false and misleading so as to deceive and mislead the purchaser when applied to long cranberry beans, which article was substituted in whole or in part for red kidney beans. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On April 27, 1922, the cases having come on for disposition, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said George Van Camp & Sons Co., who appeared to be the owner of the product, upon the execution of a good and sufficient bond in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be truly and correctly relabeled, and conditioned further that said company pay the costs of the proceedings.

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

10453. Adulteration of canned salmon. U. S. * * * v. 700 Cases of Canned Salmon. Case submitted to the court and a jury. Finding in favor of the Government. Judgment of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 13468. I. S. No. 9154-t. S. No. E-2728.)

On September 3, 1920, the United States attorney for the Western District of South Carolina, 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 700 cases of canned salmon, at Spartanburg, S. C., alleging that the article had been shipped on or about December 22, 1919, by the Burke Fish Co., Portland, Oreg., and transported from the State of Oregon into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sno-Crest Brand Pink Salmon Packed By Burke Fish Co. * * *"

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

On July 23, 1921, the matter having come on for hearing before the court and a jury, after the submission of evidence, the jury found by its verdict that the product was filthy and decomposed as alleged in the libel, and thereupon the court entered its order condemning the product and ordering its destruction by the United States marshal.

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

10454. Adulteration and misbranding of oil of birch. U. S. * * * v. One Can * * * of Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14445. I. S. No. 6264-t. S. No. E-3128.)

On February 14, 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 a libel for the seizure and condemnation of one can of oil of birch, remaining unsold in the original unbroken package at New York, N. Y., alleging that the article had been shipped by T. J. Ray, from Newland, N. C., on or about February 3, 1921, and transported from the State of North Carolina 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: (Tag) "* * * from T. J. Ray Medicinal Crude Drugs and Essential Oils, Newland, North Carolina." The said article was invoiced as "True Natural Oil Sweet Birch."

Adulteration of the article considered as a drug was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the pharmacopœial standard of strength, quality, and purity, as determined by the test laid down in the said pharmacopœia, official at the time of investigation, and in that its own standard of strength, quality, and purity was not plainly stated upon its container; and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article considered as a food was alleged for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed with, and substituted in part for, the article.

Misbranding of the article considered as a food was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On March 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

10455. Misbranding of olive oil. U. S. * * * v. 233 Cans * * * of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. Nos. 15397, 15398, 15399. I. S. Nos. 11151-t, 11152-t, 11153-t, 11154-t, 11155-t, 11156-t, 10999-t, 11000-t. S. No. W-1014.)

On September 29, 1921, the United States attorney for the District of Wyoming, 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 233 cans of olive oil, remaining unsold in the original unbroken packages at Cheyenne, Wyo., consigned by Deligiannis Bros., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about July 13 and 27, 1921, respectively, and transported from the State of Illinois into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Contents One Gallon" (or "Two Quarts," "One Quart," or "One Pint") "Pure Olive Oil, Universal Brand Deligiannis Bros., Chicago, U. S. A."

Misbranding of the article was alleged in substance in the libel for the reason that the statements upon the cans containing the article, to wit, "Net Contents One Gallon," "Net Contents Two Quarts," "Net Contents One Quart," or "Net Contents One Pint," as the case might be, were false and misleading,