

company, on or about March 4, 1919, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was 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 November 2, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**10549. Adulteration and misbranding of grape juice. U. S. \* \* \* v. 10 Five-Gallon Kegs of New Grape Juice, et al. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 607-c, 608-c, 609-c. I. S. Nos. 12677-t, 12678-t.)

On September 7, 1920, the United States attorney for the District of South Dakota, acting upon reports by the Food and Drug Commissioner for the State of South Dakota, filed in the District Court of the United States for said district libels for the seizure and condemnation of 20 five-gallon kegs of new grape juice, so-called, remaining in the original unbroken packages at Jefferson, Yankton, and Vermilion, S. D., respectively, alleging that the article had been shipped by the Northwestern Beverage Co., Sioux City, Iowa, August 25, 1920, and transported from the State of Iowa into the State of South Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that a substance, to wit, a solution of invert sugar and apple product, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a partially fermented product, to wit, a solution of invert sugar, apple product, and tartaric acid, had been substituted in part for grape juice.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, grape juice.

On January 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.

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

**10550. Misbranding of cottonseed meal and cake. U. S. \* \* \* v. Vidalia Oil & Ice Co., a Corporation. Plea of guilty. Fine, \$150.** (F. & D. No. 12307. I. S. Nos. 10873-r, 11973-r.)

On July 17, 1920, the United States attorney for the Western District of Louisiana, 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 Vidalia Oil & Ice Co., a corporation, Vidalia, La., alleging shipment by said company, on or about December 12, 1918, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Kansas, of quantities of cottonseed meal and cake which were misbranded. The articles were labeled in part: "Owl Brand \* \* \* High-Grade Cotton Seed Meal \* \* \*."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cottonseed meal contained 13.17 per cent of crude fiber, 38.16 per cent of crude protein, 6.10 per cent of total nitrogen, and 7.41 per cent of total ammonia; and that the cottonseed cake contained 12.78 per cent of crude fiber, 38.08 per cent of crude protein, 6.09 per cent of total nitrogen, and 7.40 per cent of total ammonia. Examination of the articles showed that the average net weight of 40 sacks of the cottonseed cake was 98.27 pounds, and that the average net weight of 16 sacks of the cottonseed meal was 94.75 pounds.

Misbranding of the articles was alleged in the information for the reason that certain statements, to wit, "100 Lbs. Gross 99 Lbs. Net Ammonia 8%. Protein 41% \* \* \* Nitrogen 6½% \* \* \* These are minimum guarantees Frequently runs higher \* \* \* Fibre, maximum 10% \* \* \*," borne on the tags attached to the sacks containing the articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that they represented that the articles contained 8 per cent of ammonia, 41 per cent of protein, and 6½ per cent of nitrogen, and not more than 10 per cent of fiber, and that each of the said sacks contained 99 pounds of the respective articles, and for the further reason that the respective articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they

contained 8 per cent of ammonia, 41 per cent of protein, and  $6\frac{1}{2}$  per cent of nitrogen, and not more than 10 per cent of fiber, and that each of the said sacks contained not less than 99 pounds of the article, whereas, in truth and in fact, the said articles did not contain 8 per cent of ammonia nor 41 per cent of protein nor  $6\frac{1}{2}$  per cent of nitrogen, but did contain a less amount, they did contain more than 10 per cent of fiber and each of the said sacks contained less than 99 pounds of the article. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 22, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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