

said article was labeled in part: (Tag) "Cotton Seed Cake Or Meal Manufactured by Dallas Oil Refining Company Dallas, Texas Guaranteed Analysis Protein 43 per cent."

Analyses of four samples of the article by the Bureau of Chemistry of this department showed that the said samples contained 41.25 per cent, 41.42 per cent, 41.74 per cent, and 41.47 per cent, respectively, of crude protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein, not less than 43%," and "Guaranteed Analysis Protein 43%," borne on the tags attached to the sacks containing respective portions of the said article, were false and misleading in that they represented that the article contained not less than 43 per cent of protein, and for the further reason that it 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 per cent of protein.

On May 5, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

HOWARD M. GORE, *Secretary of Agriculture.*

**12429. Adulteration and misbranding of canned salmon. U. S. v. 454 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be used as fish food. (F. & D. No. 16924. I. S. No. 7879-v. S. No. W-1237.)**

On or about November 26, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 454 cases of salmon, remaining in the original unbroken packages at Astoria, Oreg., alleging that the article had been consigned by the Warrenton Clam Co., November 23 [November 3], 1922, for interstate shipment from Astoria, Oreg., into the State of Florida, and charging adulteration and misbranding, in violation of the food and drugs act. The article was labeled in part: (Can) "Pagoda" Brand Pink Salmon Packed By Warrenton Clam Co. \* \* \* Oregon."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that filthy, decomposed, and putrid Coho salmon had been substituted for normal pink salmon of good commercial quality.

Misbranding of the article was alleged for the reason that the statement in the label, "Pink Salmon," was false and misleading and deceived and misled the purchaser.

On June 21, 1924, the Warrenton Clam Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be delivered to the Oregon State Fish Commission for use as fish food.

HOWARD M. GORE, *Secretary of Agriculture.*

**12430. Adulteration of shell eggs. U. S. v. David Alexander Fry, John DeWitt Fry, and Eugene David Fry (Fry Produce Co.). Plea of guilty. Fine, \$30. (F. & D. No. 17248. I. S. No. 1104-v.)**

On April 2, 1923, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against David Alexander Fry, John DeWitt Fry, and Eugene David Fry, copartners, trading as Fry Produce Co., Greenville, Tenn., alleging shipment by said defendants, in violation of the food and drugs act, on or about July 21, 1922, from the State of Tennessee into the State of Maryland, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 179, or 12.4 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, moldy eggs, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On September 25, 1923, a plea of guilty to the information was entered on behalf of the defendant firm, and the court imposed a fine of \$30 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

**12431. Misbranding of butter. U. S. v. Catawba Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17132. I. S. Nos. 3030-v, 3069-v.)**

On April 18, 1923, the United States attorney for the Western District of North Carolina, 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 Catawba Creamery Co., a corporation, Hickory, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 12, 1922, from the State of North Carolina into the State of Georgia, and on or about September 8, 1922, from the State of North Carolina into the State of South Carolina, of quantities of butter which was misbranded. The article was labeled in part: "One Pound Net Weight \* \* \* Catawba Gem Butter \* \* \* Catawba Creamery Co. Hickory, N. C."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the article regarding the said article, was false and misleading in that it represented that each of said packages contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages contained 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 April 23, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

**12432. Adulteration of evaporated peaches. U. S. v. 83 Boxes of Evaporated Peaches. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16768. I. S. No. 5806-v. S. No. C-3782.)**

On August 22, 1922, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 83 boxes of evaporated peaches, at Fort Worth, Tex., alleging that the article had been shipped by the Muller Grocery Co., Jelks, Ark., on or about June 23, 1922, and transported from the State of Arkansas into the State of Texas, and charging adulteration, in violation of the food and drugs act.

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.

On September 20, 1922, the Muller Grocery Co., Jelks, Ark., having confessed ownership of the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

**12433. Misbranding of cottonseed meal. U. S. v. Terrell Oil & Refining Co., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 18094. I. S. No. 10436-v.)**

On April 7, 1923, the United States attorney for the Northern District of Texas, 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 Terrell Oil & Refining Co., a corporation, Terrell, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 27, 1922, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Weight 100 Pounds Net "Chickasha Prime" Cottonseed Cake or Meal Guaranteed Analysis: Protein, not less than 43 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.73 per cent of protein. Examination of 20 sacks of the article by said bureau showed the average net weight of the contents to be 98.56 pounds.