

Examination by the Bureau of Chemistry of this department of samples consisting of 24 cans from each of the two consignments showed average shortages in the net contents of 3.3 ounces and 2.3 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 2 Pounds," borne on the labels, was false and misleading, in that the said statement represented that each of the cans contained 2 pounds of tomatoes, 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 said cans contained 2 pounds of tomatoes, whereas each of said cans did not contain 2 pounds of tomatoes 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 June 6, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13597. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 96 Cases of Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19213. I. S. No. 17329-v. S. No. E-5032.)**

On or about December 8, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying the seizure and condemnation of 96 cases of tomatoes, remaining in the original unbroken packages at Staunton, Va., consigned on or about September 4, 1924, alleging that the article had been shipped by the H. J. McGrath Co., from Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "McGrath's Tomatoes \* \* \* Champion Brand Packed by The H. J. McGrath Co. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the label, was false and misleading and deceived the purchaser into the belief that the article was in fact tomatoes, whereas it consisted in part of another substance, namely, added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of tomatoes, whereas it consisted in part of another article, namely, water.

On June 10, 1925, the H. J. McGrath Co., Baltimore, Md., having appeared as claimant for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13598. Adulteration and misbranding of pickles. U. S. v. Bond Pickle Co. Plea of guilty. Fine, \$10. (F. & D. No. 18351. I. S. No. 6749-v.)**

On December 31, 1924, the United States attorney for the Eastern District of Wisconsin, 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 Bond Pickle Co., a corporation, Sobieski, Wis., alleging shipment by said company, in violation of the food and drugs act as amended, on or about October 16, 1923, from the State of Wisconsin into the State of Missouri, of a quantity of pickles which were adulterated and misbranded. The article was contained in casks labeled in part: "Bond Pickle Co. 45 Gals. 800 Size" (or "1200 Size") "Dill Pickles Oconto Wis."

Examination by the Bureau of Chemistry of this department of 10 barrels from the consignment showed an average shortage of 3.08 gallons. A count of 7 barrels of the alleged 1,200 size and 5 barrels of the alleged 800 size showed an average count of 1,049 pickles and 681 pickles, respectively.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, brine, had been substituted in part for pickles, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "45 Gals.," borne on each of the casks, and the statements "800 Size" and "1200 Size," borne on respective portions of the said casks, were false and misleading, in that the said statements represented that each of the said casks contained 45 gallons of the article, and that they contained 800 pickles or 1,200 pickles, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the casks each contained 45 gallons of the said article, and that they contained 800 pickles or 1,200 pickles, as the case might be, whereas the said casks did not contain 45 gallons of the article but did contain a less amount, and they did not contain the number of pickles declared on the respective labels but did contain less amounts. 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 May 16, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13599. Adulteration and misbranding of horse and mule feed. U. S. v. Chas. A. Krause Milling Co. Plea of guilty. Fine, \$200. (F. & D. No. 19277. I. S. No. 12631-v.)**

On January 6, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chas. A. Krause Milling Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about April 10, 1924, from the State of Wisconsin into the State of Maryland, of a quantity of horse and mule feed which was adulterated and misbranded. The article was labeled in part: (Tag) "K-O Horse And Mule Feed Protein 10% Fat 2% \* \* \* Mfd. by Chas. A. Krause Milling Co. Milwaukee, Wisconsin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 7.77 per cent of protein and 1.55 per cent of ether extract or fat.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein and fat had been substituted for an article having a protein content of 10 per cent and a fat content of 2 per cent, which the said article purported to be, and for the further reason that a substance deficient in protein and fat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, to wit, "Horse And Mule Feed Protein 10% Fat 2%," borne on the label, were false and misleading, in that the said statements represented that the article contained 10 per cent of protein and 2 per cent of fat, 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 10 per cent of protein and 2 per cent of fat, whereas it contained less protein and less fat than declared on the label.

On June 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13600. Adulteration and misbranding of canned sardines. U. S. v. 650 Cases of Sardines. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19507. I. S. Nos. 21126-v, 21127-v. S. No. W-932.)**

On January 16, 1925, the United States attorney for the Eastern District of Washington, 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 650 cases of sardines, remaining in the original unbroken packages at Spokane, Wash., consigned by the Kelley-Clarke Co., Portland, Oreg., alleging that the article had been shipped on or about October 31, 1924, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Conquerer Brand American Sardines in cottonseed oil" (or "Pine Tree Brand Maine Sardines in Mustard Sauce") "Packed by Seacoast Canning Co., Eastport, Maine."