

3, 1923, alleging that the article had been shipped by the Lexington Elevator & Mill Co., from Joliet, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ajax Ground Mixed Feed Barley Average Analysis Protein 11% Fat 1.5% Fibre 10% \* \* \* Not To Exceed Country Run Scrags. Manufactured By Cokato Milling Co. Minneapolis, Minn."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and containing excessive fiber had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Ajax Ground Mixed Feed Barley Average Analysis Protein 11% Fat 1.5% Fibre 10% \* \* \* Not To Exceed Country Run Scrags." borne on the labels, were false and misleading and deceived and misled purchasers.

On July 23, 1925, the Lexington Elevator & Mill Co., Lexington, Ohio, having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture as prayed in the libel, a decree of the court was entered, providing that the order theretofore entered on March 26, 1924, wherein it was ordered that 75 sacks of the product be destroyed and the balance be relabeled, be made the final order and judgment of record.

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

**13663. Adulteration of canned salmon. U. S. v. Warren Packing Co. Plea of guilty. Fine, \$100.** (F. & D. No. 19251. I. S. Nos. 188-v, 189-v, 190-v.)

On March 11, 1925, 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 an information against the Warren Packing Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the food and drugs act, on or about July 19, 1922, from the State of Oregon into the State of New York, of a quantity of canned salmon which was adulterated. A portion of the article was labeled in part: (Can) "Fancy Columbia River Blue Back \* \* \* Salmon A1 Warren Brand Warren Packing Company, Distributors Cathlamet, Wash. Warrendale, Ore." The remainder of the said article was labeled in part: (Case) "Blueback Halves"; the cans contained in said cases bore no label.

Examination by the Bureau of Chemistry of this department of 130 cans of the article showed that 30 cans, or 23 per cent, contained decomposed salmon.

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

On June 16, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**13664. Adulteration and misbranding of sugar. U. S. v. Mario Betancourt. Plea of guilty. Fine, \$100.** (F. & D. No. 17406. I. S. No. 9090-t.)

On April 21, 1923, 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 an information against Mario Betancourt, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about May 22, 1920, from the State of New York into the State of North Carolina, of a quantity of a product invoiced as sugar which was adulterated and misbranded.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, sweepings, sticks, water, splinters, strings, and various refuse, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for sugar, which the said article purported to be. Adulteration was alleged for the further reason that the article consisted in part of a filthy, decomposed, and putrid animal and vegetable substance.

Misbranding was alleged for the reason that the article was offered for sale and sold under the distinctive name of another article, to wit, sugar, and for the further 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 June 24, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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