

article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said sacks contained 48 pounds, 24 pounds, or 12 pounds, of flour, as the case might be, whereas the sacks did not contain the amount represented on the label 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 April 20, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

14446. Adulteration of blue cohosh. U. S. v. Allaire, Woodward & Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19619. I. S. No. 22615-v.)

On May 6, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Allaire, Woodward, & Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about June 11, 1924, from the State of Illinois into the State of Alabama, of a quantity of blue cohosh which was adulterated. The article was labeled in part: "Grd. Blue Cohosh."

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality and purity as determined by the test laid down in said formulary, official at the time of investigation of the article, in that it yielded 14.19 per cent of ash, whereas the National Formulary provided that blue cohosh should yield not more than 6 per cent of ash.

On May 28, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

W. M. JARDINE, *Secretary of Agriculture*

14447. Adulteration of tomato puree. U. S. v. 798 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20853. I. S. No. 1481-x. S. No. C-4946.)

On or about February 15, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 798 cases of tomato puree, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Hobbs Tomato Products Co., from Hobbs, Ind., December 12, 1925, and transported from the State of Indiana into the State of Illinois, 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 in part of a filthy, decomposed and putrid vegetable substance.

On June 22, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14448. Adulteration and misbranding of ground beef scraps and meat scraps. U. S. v. Norfolk Tallow Co. Plea of guilty. Fine, \$100. (F. & D. No. 19630. I. S. Nos. 15235-v, 16651-v, 16687-v.)

On September 24, 1925, the United States attorney for the Eastern District of Virginia, 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 Norfolk Tallow Co., a corporation, Norfolk, Va., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 16, 1924, from the State of Virginia into the State of Maryland, of a quantity of ground beef scraps, and on or about May 15 and 27, 1924, from the State of Virginia into the States of South Carolina and Florida, respectively, of quantities of meat scraps, all of which were adulterated and misbranded. The articles were labeled, variously, in part: (Bag) "Square Deal Ground Beef Scraps * * * Guaranteed Analysis Protein 55 to 65% * * * Fiber 1 to 2%," (tag) "100 Lbs. Net Notalco Extra Quality Meat

Scraps * * * Guaranteed Analysis Protein Min. 55% * * * Manufactured by Norfolk Tallow Co. Norfolk, Va.,” and (bag) “Notalco High AA Grade Meat Scraps * * * Guaranteed Analysis Protein Min. 45% * * * Manufactured by Norfolk Tallow Co., Norfolk, Va.”

Analysis by the Bureau of Chemistry of this department of a sample of the beef scraps showed that it contained 52.5 per cent protein and 2.39 per cent crude fiber; analysis of a sample of the Extra Quality meat scraps and of the High AA Grade meat scraps showed that they contained 57.88 per cent and 41.55 per cent, respectively, of protein.

Adulteration of the articles was alleged in the information for the reason that a product containing less protein than declared on the labels, and also containing, in respect to the so-called ground beef scraps, more fiber than declared, had been mixed and packed with the said articles so as to reduce and lower and injuriously affect their quality and strength and had been substituted for the said articles.

Misbranding was alleged for the reason that the statements, to wit, “Guaranteed Analysis Protein 55 to 65% Fiber 1 to 2%,” “100 Lbs. Net * * * Extra Quality Meat Scraps * * * Guaranteed Analysis Protein Min. 55%,” and “High AA Grade Meat Scraps * * * Guaranteed Analysis Protein Min. 45%,” borne on the respective labels of the articles, were false and misleading, in that the said statements represented that the articles contained not less than 55 per cent of protein, or not less than 45 per cent of protein, as the case might be, that the so-called ground beef scraps contained not more than 2 per cent of fiber, and that the bags containing the meat scraps shipped May 15, 1924, into South Carolina, contained 100 pounds thereof, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were as above represented, whereas the articles contained less protein than declared on the respective labels, the said ground beef scraps contained more than 2 per cent of fiber, and the bags containing the said shipment into South Carolina contained less than 100 pounds of meat scraps. Misbranding was alleged with respect to the said shipment into South Carolina 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, in that the actual contents of the bag was less than represented.

On November 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

14449. Adulteration and misbranding of canned tomatoes. U. S. v. 450 Cases and 385 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19457. I. S. Nos. 13447-v, 13448-v. S. No. E-5090.)

On or about January 5, 1925, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 835 cases of canned tomatoes, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Davis Canning Co., from Laurel, Del., on or about October 6, 1924, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

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

Misbranding was alleged for the reason that the label bore the statement “Tomatoes,” which was false and misleading and deceived and misled the purchaser. 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 March 9, 1925, the Davis Canning Co., Laurel, Del., claimant, having admitted the allegations of the libel and 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