

15173. Adulteration of grapefruit. U. S. v. 360 Boxes of Adulterated Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21859. I. S. No. 10742-x. S. No. W-2136.)

On April 1, 1927, 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 seizure and condemnation of 360 boxes of grapefruit, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Chester C. Fosgate Co., from Forest City, Fla., on or about March 16, 1927, and transported from the State of Florida into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fidelity Brand Chester C. Fosgate Co. Orlando, Fla."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance, and in that an inedible product had been substituted in whole or in part for normal grapefruit of good commercial quality.

On April 2, 1927, the Chester C. Fosgate Co., Orlando, Fla., having appeared as claimant for the property 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 of \$500, conditioned in part that it not be sold or otherwise disposed of contrary to law.

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

15174. Adulteration and misbranding of feed. U. S. v. Alfocorn Milling Co. Tried to the court. Defendant adjudged guilty. Fine, \$300 and costs. (F. & D. No. 19765. I. S. No. 16628-v.)

On May 14, 1926, the United States attorney for the Eastern 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 the Alfocorn Milling Co., a corporation, trading at East St. Louis, Ill., alleging shipment by said company in violation of the food and drugs act, in two consignments, on or about March 21 and April 3, 1925, respectively, from the State of Illinois into the State of North Carolina, of quantities of horse and mule feed, which was adulterated and misbranded. The article was labeled in part: (tag) "High Kick Horse & Mule Feed Manufactured By Alfocorn Milling Company East St. Louis, Ill. Guaranteed Average Analysis Protein 10.00% Fat 2.00% Carbohydrates 55.00% Fibre 15.00% Contains Shelled Corn (Cracked) Alfalfa Meal, Oat Meal, Mill By-Product, [Oat Middlings, Oat Shorts and Oat Hulls] Rice Bran, Molasses and ½ of 1% Salt."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a feed containing flax plant waste, and deficient in protein and fat, and containing no rice bran, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted for the article.

Misbranding was alleged for the reason that the statements "Guaranteed Average Analysis Protein 10.00% Fat 2.00% Carbohydrates 55.00% Fibre 15.00% Contains Shelled Corn (Cracked,) Alfalfa Meal, Oat Meal, Mill By-Product, [Oat Middlings, Oat Shorts and Oat Hulls] Rice Bran, Molasses and ½ of 1% Salt," 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 consisted of the ingredients named on the tag, 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, and consisted of the ingredients named on the tag, whereas it contained less than 10 per cent of protein and less than 2 per cent of fat, and did not contain any rice bran, and did contain flax plant waste which was not declared upon the tag.

On March 22, 1927, the case came on for trial before the court. Judgment of guilty was entered by the court, and a fine of \$300 and costs was imposed.

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