

It was alleged in the information that the article was adulterated in that a substance, cottonseed feed containing less than 36 per cent of protein, had been substituted for cottonseed meal containing 36 per cent of protein, the equivalent of 7 per cent of ammonia, which the article purported to be.

It was further alleged that the article was misbranded in that the statements, "Cotton Seed Meal * * * Guaranteed Analysis, Protein (Equiv. Ammonia 7 p. c.) 36.00 per cent," borne on the tag, were false and misleading; for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser; and for the further reason that it was offered for sale under the distinctive name of another article, namely, cottonseed meal.

On March 9, 1932, the case came on for trial before the court and a jury. After the submission of evidence and argument by counsel, the court instructed the jury, which retired and after due deliberation returned a verdict of not guilty.

HENRY A. WALLACE, *Secretary of Agriculture.*

19720. Adulteration of dried figs. U. S. v. 600 Cases, et al., of Figs. Decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 27251A. I. S. Nos. 34264, 34267. S. No. 5432.)

This action was based on a shipment of dried figs, samples of which were found to be sour, moldy, and insect-infested.

On November 18, 1931, 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 the district aforesaid a libel praying seizure and condemnation of 900 cases of figs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 17, 1931, by the California Peach & Fig Growers Association from San Francisco, Calif. to New York, N. Y., and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "White Ribbon Figs * * * California Peach & Fig Growers Association, San Francisco, California." The remainder was labeled in part: "White Ribbon Brand Adriatic Pulled Figs Grown and Packed by California Peach & Fig Growers Association, Fresno, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 11, 1932, the California Peach & Fig Growers Association filed its claim as owner, and stipulation for costs. On March 15, 1932, the time for claimant to make answer having expired, and no answer or motion having been filed, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. On April 29, 1932, judgment for costs was assessed against the claimant.

HENRY A. WALLACE, *Secretary of Agriculture.*

19721. Adulteration of fruit jams. U. S. v. Gray, McLean & Percy. Plea of guilty. Fine, \$50. (F. & D. No. 27444. I. S. Nos. 12507, 12508.)

This action was based on the interstate shipment of quantities of products represented to be fruit jams, which were found to be artificially colored mixtures of pectin, sugar solution, and fruit jams.

On March 14, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Gray, McLean & Percy, a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, under the name of Wason Bros., on or about April 17, 1931, from the State of Washington into the State of Montana of quantities of fruit jams that were adulterated. The articles were labeled in part: (Can) "Eureka Mont. Gray McLean & Percy Pennant Brand Trade Mark Reg. Strawberry [or 'Raspberry'] Jam Contains Strawberries [or 'Raspberries'], Sugar, Apple Pectin, Cert. Color and Fruit Acid Contains 1/10 of 1% of Benzoate of Soda."

It was alleged in the information that the articles were adulterated in that artificially colored mixtures of pectin, sugar solution, and strawberry and raspberry jams had been substituted for strawberry and raspberry jams, which the articles purported to be.

On April 12, 1932, a plea of guilty to the adulteration charge of the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*