

On May 10, 1933, the remaining cases were terminated upon the entry of orders releasing the product for recanning, except so much as this Department should certify might be released without opening and examining, the orders also containing provision for destruction of the unfit portion and reexamination.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20768. Misbranding of cottonseed screenings. U. S. v. Eufaula Cotton Oil Co. Plea of guilty. Fine, \$25. (F. & D. no. 29372. I. S. no. 45598.)

This case was based on an interstate shipment of cottonseed screenings that contained less protein than stated on the invoice. The article was shipped in used unturned sacks labeled "Granulated Sugar."

On December 12, 1932, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Eufaula Cotton Oil Co., a corporation, Eufaula, Okla., alleging shipment by said company, on or about November 2, 1931, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed screenings that were misbranded in violation of the Food and Drugs Act. The article was invoiced "43% Protein."

It was alleged in the information that the article was misbranded in that it contained less than 43 percent of protein and was offered for sale under the distinctive name of another article, "43% Protein Cottonseed Screenings." Misbranding was alleged for the further reason that the statements on the sacks, "100-Lbs. Net Great Western Sugar Company Pure Table & Preserving Granulated Sugar", were false and misleading since the article consisted of cottonseed screenings manufactured by the defendant.

On February 21, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20769. Adulteration and misbranding of tomato catsup. U. S. v. 327 Cases, et al., of Tomato Catsup. Product released under bond to be relabeled. (F. & D. nos. 27258, 27262. I. S. nos. 39213, 39218. S. nos. 5421, 5430.)

The product in these cases consisted of tomato catsup that contained gum that had been added as a thickener.

On November 18, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 436 cases of tomato catsup, in part at McKeesport, Pa., and in part at Monessen, Pa., alleging that the article had been shipped in interstate commerce on or about January 16, 1931, by the Naas Corporation from Sunman, Ind., into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was sold under two labelings, in part as follows: (Bottles, "Na-Co Brand Tomato Catsup * * * Made by the Naas Corporation, Cohocton, N.Y."; "Steuben Brand Tomato Catsup * * * Made by Naas Corporation, Sunman, Ind.")

It was alleged in the libels that the article was adulterated in that tomato catsup containing added gum had been substituted in part for the articles.

Misbranding was alleged for the reason that the statement "Tomato Catsup", borne on the labels, was false and misleading when applied to tomato catsup containing added gum. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

The claimant, the Naas Corporation, Sunman, Ind., filed a petition admitting the allegations of the libels and consenting to the entry of decrees of condemnation and forfeiture, and prayed that the product be released for shipment to Sunman, Ind., to be relabeled. On November 21, 1932, decrees were entered ordering release of the product under bond, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20770. Misbranding of hominy feed. U. S. v. 29 Bags of Hominy Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29634. Sample no. 17793-A.)

This action involved an interstate shipment of hominy feed which contained less protein and fat and more fiber than declared on the label.

On December 16, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District