

an information against the Hill County Creamery Co., a corporation, Havre, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 19, 1933, from the State of Montana into the State of Washington, of a quantity of butter which was adulterated.

It was alleged that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On August 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22879. Misbranding of cottonseed cake or meal. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 31410. Sample no. 19822-A.)

This case was based on an interstate shipment of cottonseed cake or meal that contained less protein and more fiber than declared on the label.

On August 14, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation, trading at Lawton, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 23, 1932, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed cake or meal which was misbranded. The article was labeled in part: (Tag) "Chickasha Prime 43% Protein Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43% * * * Crude Fiber, not more than 12% * * * Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Okla."

The article was alleged to be misbranded in that the statements, "Guaranteed Analysis Protein, not less than 43% * * * Crude Fiber, not more than 12%", borne on the tag, were false and misleading, and in that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein and more than 12 percent of crude fiber, namely, 40.94 percent of protein, and 13.09 percent of crude fiber.

On September 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22880. Adulteration and misbranding of brown wheat shorts. U. S. v. Model Mill Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 31446. Sample nos. 14082-A, 14083-A, 14092-A, 18279-A, 18280-A.)

This case was based on interstate shipments of several lots of brown wheat shorts that contained less protein than declared on the label. Certain of the lots were deficient in fat, certain lots contained excessive fiber, and one lot contained added rice, rice bran, and starch.

On May 25, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Model Mill Co., a corporation, Jackson, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 20, September 26, November 26, and November 30, 1932, and January 27, 1933, from the State of Tennessee into the State of Mississippi, of quantities of brown wheat shorts which were misbranded, and one shipment of which was also adulterated. The article was labeled in part: "Model Brown Wheat Shorts With Ground Wheat Screenings, Manufactured by The Model Mill Company Jackson, Tennessee. Guaranteed Analysis Crude Protein, not less than 16.00%, Crude Fat, not less than 4.00% [or "3.75%"] * * * Ingredients Wheat Shorts, Ground Wheat Screenings."

One shipment of the article was alleged to be adulterated in that added undeclared substances, rice, rice bran, and starch, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

Misbranding of all shipments was alleged for the reason that the statements, "Guaranteed Analysis Crude Protein, not less than 16.00%" with respect to all lots, the statements, "Crude Fibre, not more than 7.00%" with respect to certain lots, "Crude Fat, not less than 4.00% [or "3.75%"]" with respect to certain lots, and "Ingredients: Wheat Shorts, Ground Wheat

Screenings", with respect to one lot, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since all lots contained less than 16 percent of protein, certain lots contained more than 7 percent of crude fiber, certain lots contained less than the declared amount of fat, namely, 4 percent or 3.75 percent, and one lot did not consist solely of wheat shorts and ground wheat screenings, but did consist in part of added undeclared rice and rice by-product, i. e., rice bran and starch.

On September 27, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22881. Adulteration of evaporated apple chops. U. S. v. Gilbert Apple Products Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 31486. Sample no. 35428-A.)

This case was based on a shipment of apple chops, samples of which were found to be insect-infested, filthy, or rotten.

On April 16, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gilbert Apple Products Co., Inc., Rochester, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 25, 1933, from the State of New York into the State of Illinois, of a quantity of evaporated apple chops which were adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed and filthy vegetable and animal substance.

On September 18, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22882. Adulteration of gray shorts. U. S. v. The Larabee Flour Mills Co. Plea of guilty. Fine, \$10. (F. & D. no. 31510. Sample no. 19824-A.)

This case was based on a shipment of alleged gray shorts which were found, upon examination, to consist of finely ground brown shorts containing more fiber than declared on the label.

On June 26, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Larabee Flour Mills Co., a corporation, trading at Kansas City, Mo., alleging shipment by said company, on or about November 4, 1932, from the State of Missouri into the State of Kansas of a quantity of alleged gray shorts which were adulterated. The article was labeled in part: (Tag) "Sunfed Winter Wheat Gray Shorts With Ground Wheat Screenings * * * Manufactured By The Larabee Flour Mills Company, Kansas City, Missouri Commander-Larabee Corporation, Owners, Minneapolis, Minnesota Guaranteed Analysis * * * Crude Fibre, not more than 6.00%."

The article was alleged to be adulterated in that a product, brown shorts which contained more than 6 percent of crude fiber, i. e., not less than 7.99 percent of crude fiber had been substituted for gray shorts containing not more than 6 percent of crude fiber, which the article purported to be.

On September 7, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22883. Misbranding of macaroni. U. S. v. U. S. Macaroni Manufacturing Co. Plea of nolo contendere. Fine, \$100. (F. & D. no. 31518. Sample no. 37273-A.)

This case was based on a shipment of macaroni which was incorrectly marked as to the quantity of the contents, since the boxes contained less than declared on the label.

On April 28, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the U. S. Macaroni Manufacturing Co., a corporation, Spokane, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 1, 1933, from the State of Washington into the State of Idaho, of a quantity of macaroni which was misbranded. The article was labeled in part: (Box) "Maca-