

The shortening was alleged to be misbranded in that the statements, "Net Wt. 4 lbs.", "Net Wt. One Lb.", and "4 Pounds Net Weight", borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages examined contained less than the amount declared on the label. Misbranding of the shortening was alleged 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, since the statement made was incorrect.

Misbranding of the cottonseed meal was alleged for the reason that the statements, "43% Protein * * * Guaranteed Analysis * * * Protein, not less than 43%", borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On February 7, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$425.

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

24209. Adulteration of dried peaches. U. S. v. 50 Boxes of Dried Peaches. Product released under bond conditioned that it be relabeled. (F. & D. no. 32294. Sample no. 69027-A.)

This case involved a shipment of dried peaches that contained excessive moisture.

On March 10, 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 a libel praying seizure and condemnation of 50 boxes of dried peaches at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 3, 1934, by the Consolidated Packing Co., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Calgold Cling Peaches"; (bricks) "Calgold Dehydrated Peaches * * * Distributed by Fred Wolferman, Inc., Kansas City, Mo."

The article was alleged to be adulterated in that a product containing excessive moisture had been substituted for dried peaches.

On October 15, 1934, Meridian, Ltd., a California corporation, having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be relabeled to show the moisture content.

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

24210. Adulteration and misbranding of prepared mustard. U. S. v. 3½ Cases of Prepared Mustard. Default decree of condemnation and destruction. (F. & D. no. 32436. Sample no. 68535-A.)

This case involved an interstate shipment of prepared mustard which was found to contain added mustard bran and to be short weight.

On March 28, 1934, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3½ cases of prepared mustard at Eufaula, Ala., alleging that the article had been shipped in interstate commerce on or about January 15, 1934, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Golden Sun Brand Pure Prepared Mustard Contents 2 lb. Made by Mid-West Food Packers, Inc. Fowlerton, Ind."

The article was alleged to be adulterated in that mustard bran had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Prepared Mustard Contents 2 lb.", were false and misleading and tended to deceive and mislead the purchaser; for the further reason that the article was offered for sale under the distinctive name of another article; and 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, since the statement made was incorrect.

On October 19, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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