

"Guaranteed Analysis Protein, not less than 43% \* \* \* Manufactured for Kansas City Cake & Meal Co."

The article was alleged to be misbranded in that the statement on the label, "Guaranteed Analysis Protein, not less than 43%", was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On December 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.*

**24360. Misbranding of cottonseed meal and cake. U. S. v. Terminal Oil Mill Co. Plea of guilty. Fine, \$5.** (F. & D. no. 33803. Sample nos. 63708-A, to 63711-A, incl., 63713-A, 63717-A.)

This case was based on shipments of 4 lots of cottonseed cake and meal, 3 of which were deficient in protein, and 1 of which was short weight.

On October 8, 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 Terminal Oil Mill Co., a corporation, Oklahoma City, Okla., alleging shipment by said company in violation of the Food and Drugs Act, between the dates of November 23, 1933, and March 3, 1934, from the State of Oklahoma into the State of Kansas of quantities of cottonseed meal and cake which were misbranded. Portions of the articles were labeled: "Guaranteed Analysis Protein, not less than 43% \* \* \* Manufactured by Terminal Oil Mill Co. Oklahoma City, Oklahoma." The remainder was labeled: "100 Pounds Net \* \* \* Products of cottonseed only Choctaw Sales Company \* \* \* Kansas City, Missouri."

The articles were alleged to be misbranded in that the statement, "Guaranteed Analysis Protein, not less than 43%," with respect to the product involved in three of the shipments, and the statement "100 Pounds Net", with respect to the product involved in the remaining shipment, borne on the labels, were false and misleading; and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the product in three of the said shipments contained less than 43 percent of protein, and each of a large number of the sacks of the remaining shipment contained less than 100 pounds of the article.

On March 20, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$5.

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

**24361. Adulteration of tomato paste and tomato sauce. U. S. v. Italian Food Products Co., Inc. Plea of nolo contendere. Fine, \$180.** (F. & D. no. 33809. Sample nos. 61745-A, 61760-A, 65092-A, 67257-A, 67272-A, 68189-A, 68190-A.)

This case was based on interstate shipments of tomato paste and tomato sauce that contained excessive mold.

On February 7, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Italian Food Products Co., Inc., Long Beach, Calif., alleging shipment by said company in violation of the Food and Drugs Act, between the dates of December 26, 1933, and January 31, 1934, from the State of California into the States of Massachusetts, New York, Illinois, and Pennsylvania of quantities of tomato paste and tomato sauce which were adulterated. The articles were labeled, variously: "Campania Brand \* \* \* Concentrated Tomato Paste \* \* \* Packed by Italian Food Products Co., Inc. Long Beach, California"; "Berta Brand \* \* \* Pure Tomato Paste \* \* \* Packed for Alba Products Co. Boston, Mass."; "Etna Brand Pure Neapolitan Style Tomato Sauce \* \* \* Packed For Coast Commerce Co., Inc. Los Angeles, Calif."; "1888 Brand \* \* \* Tomato Sauce"; "Il Duomo Brand \* \* \* Concentrated Tomato Paste \* \* \* Distributed by Jos. Antognoli & Co. Chicago, Illinois"; "Tomato Paste Mariuccia \* \* \* Packed By Italian Food Products Co., Inc., Long Beach, California."

The articles were alleged to be adulterated in that they consisted in part of decomposed vegetable substances.

On March 4, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$180.

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