

court an information against the Southland Cotton Oil Co., a corporation, at Waxahachie, Tex., alleging that on or about September 10 and October 24, 1935, the said defendant had shipped from the State of Texas into the State of Kansas a number of sacks of cottonseed meal, cake, and screenings, and that the article was misbranded in violation of the Food and Drugs Act. The article was variously labeled in part: "Net 43% Protein Cottonseed Cake or Meal, Prime Quality, Manufactured by Southland Cotton Oil Co., Waxahachie, Texas, Guaranteed Analysis: Crude Protein (not less than) 43%."

The article was alleged to be misbranded for the reason that the statements, "43% Protein" and "Guaranteed Analysis: Crude Protein (not less than) 43%", on the sack tag, were false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchaser since the article contained less than 43 percent of protein, as indicated on the label.

On June 18, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150.

W. R. GREGG, *Acting Secretary of Agriculture.*

25921. Adulteration of salmon. U. S. v. Deep Sea Salmon Co., a corporation. Plea of guilty. Fine, \$10. (F. & D. no. 36974. Samples nos. 38096-B, 40526-B.)

This case involved shipment of salmon that consisted in part of decomposed animal substance.

On May 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Deep Sea Salmon Co., a corporation, Seattle, Wash., alleging that on or about July 20, 1935, the defendant had shipped from Skowl Arm, Alaska, to itself in the State of Washington a number of unlabeled code-marked cans of salmon in cases; and alleging that the article was adulterated in violation of the Food and Drugs Act. The cases were labeled in part: "SA U P 8"; and the cans were labeled "A 8."

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

On June 6, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

25922. Adulteration of tomato puree and tomato catsup. U. S. v. Henryville Canning Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. no. 36986. Sample no. 33595-B, 33596-B.)

This case involved shipment of tomato puree and tomato catsup that consisted in part of decomposed vegetable substance.

On March 17, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henryville Canning Co., a corporation, at Henryville, Ind., alleging that on or about September 14, 1935, the defendant had shipped from the State of Indiana into the State of Wisconsin a number of cans of tomato catsup and tomato puree, and that the articles were adulterated in violation of the Food and Drugs Act. The articles were variously labeled in part: "Crystal Springs Brand [design of tomatoes] * * * Tomato Puree. Packed by Henryville Canning Co., Inc., Henryville, Ind."; "Henryville Brand, * * * [design of tomato] Tomato Catsup, Henryville Canning Co., Henryville, Ind."

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

On April 11, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

25923. Adulteration of frozen eggs. U. S. v. W. W. Butler, Inc. Plea of guilty. Fine, \$125. (F. & D. no. 36991. Sample no. 30578-B.)

This case involved interstate shipment of frozen eggs that consisted in part of decomposed, putrid animal substance.

On April 8, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against W. W. Butler, Inc., at Dallas, Tex., alleging that on or about September 9, 1935, the defendant had shipped from the State of Texas into the State of New York a number of cans of frozen eggs, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part, "Whole Eggs."

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

On June 4, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$125.

W. R. GREGG, *Acting Secretary of Agriculture.*

25924. Adulteration and misbranding of macaroni and spaghetti. U. S. v. Western Macaroni Manufacturing Co., a corporation. Plea of guilty. Fine, \$33. (F. & D. no. 36995. Sample nos. 35817-B, 35818-B, 35819-B.)

This case involved shipments of a product made of wheat flour and added yellow artificial color, naphthol yellow S, that had been substituted for high-grade semolina and that concealed inferiority.

On April 11, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Macaroni Manufacturing Co., a corporation, Salt Lake City, Utah, alleging that on or about April 10, 1935, the defendant had shipped in various shipments from the State of Utah into the State of Colorado a number of boxes of macaroni and spaghetti, and that the articles were adulterated and misbranded in violation of the Food and Drugs Act. The article was variously labeled in part: "Diamond Brand 'A' Macaroni Prepared For Diamond 'A' Market-Iacino Brothers Proprietors, Denver, Colo. Spaghetti Made of 100% High Grade Semolina"; "Diamond Brand 'A' Macaroni Prepared for Diamond 'A' Market Iacino Brothers Proprietors, Denver, Colo. Mustacioli Queen's Taste Insuperabile Made of 100% High Grade Semolina"; "Made of 100% High Grade Semolina Ditalini Diamond Brand 'A' Macaroni Prepared For Diamond 'A' Market Iacino Brothers Proprietors, Denver, Colo."

The articles were alleged to be adulterated in that a substance, to wit, a product made of wheat flour and added yellow artificial coloring, naphthol yellow S, had been substituted for an article made of 100 percent high-grade semolina which said article purported to be; and in that said article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to portions of the products for the reason that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser, "Macaroni * * * Spaghetti Made of 100% High Grade Semolina", "Macaroni * * * Mustacioli * * * Made Of 100% High Grade Semolina", and "Made of 100% High Grade Semolina Ditalini * * * Macaroni"; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages in that the packages bore no statement as to the quantity of the contents therein.

On May 16, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$33.

W. R. GREGG, *Acting Secretary of Agriculture.*

25925. Adulteration of tomato catsup. U. S. v. The Red Wing Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 36996. Sample no. 35195-B, 43465-B.)

This case involved interstate shipment of tomato catsup that consisted in part of a decomposed vegetable substance.

On April 6, 1936, 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 Red Wing Co., Inc., Fredonia, N. Y., alleging that on or about June 29, 1935, the defendant had shipped from the State of New York into the State of Ohio a number of bottles of tomato catsup, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Dot 'Dot's Good' * * * Tomato Catsup, Distributed by The Janszen Company, Cincinnati, Ohio."

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

On July 13, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

25926. Adulteration of cabbage and cauliflower. U. S. v. Sterling H. Nelson Co., a corporation. Plea of guilty. Fine, \$26. (F. & D. no. 36999. Sample nos. 15978-B, 39667-B.)

This case involved shipments of cabbage and cauliflower that contained arsenic and lead in amounts that might have rendered the articles injurious to health.