

30870. Misbranding of cottonseed meal. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 42750. Sample Nos. 5963-D, 5964-D.)

This product contained a smaller proportion of protein than that declared on the tags.

On August 25, 1939, 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 Southland Cotton Oil Co., a corporation trading at Oklahoma City, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act on or about January 18 and February 21, 1939, from the State of Oklahoma into the State of Kansas of quantities of cottonseed meal which was alleged to be misbranded.

The article was alleged to be misbranded in that the statement on the tags, "Crude Protein, not less than 43%," was false and misleading and was borne on the tags so as to deceive and mislead the purchaser since it contained less than 43 percent of crude protein, samples taken from the two shipments having been found to contain not more than 40.69 percent and 40.94 percent, respectively, of crude protein.

On September 12, 1939, the defendant corporation entered a plea of guilty and the court imposed a fine of \$100 and costs.

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

30871. Misbranding of canned cherries. U. S. v. 50 Cases of Red Sour Pitted Cherries. Consent decree of condemnation. Product released under bond to be relabeled or repacked. (F. & D. No. 44619. Sample No. 41525-D.)

This product was substandard because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On February 6, 1939, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned cherries at Rock Springs, Wyo.; alleging that on or about October 26, 1938, the Pacific Fruit & Produce Co. shipped the said article from Ogden, Utah, to themselves at Rock Springs, Wyo., and that it was misbranded in violation of the Food and Drugs Act. The said 50 cases of canned cherries were purchased by the Pacific Fruit & Produce Co. from H. D. Olson of Ogden, Utah, and at the time of sale H. D. Olson delivered to the purchaser a guaranty that the product complied with the Federal and all State food laws. The article was labeled in part: (Can) "Nation's Garden Brand Water Pack Red Sour Pitted Cherries * * * Packed For Fine Foods, Inc. Seattle Minneapolis."

It was alleged to be misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food since there was present more than 1 cherry pit per 20 ounces of net contents, and its label did not bear a plain and conspicuous statement showing that it fell below such standard.

On April 14, 1939, H. D. Olson, claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled or repacked so that it would comply with the Federal Food and Drugs Act.

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

30872. Adulteration of canned tuna fish. U. S. v. Van Camp Sea Food Co., Inc. Tried to the court; judgment of guilty. Fine, \$800. (F. & D. No. 40772. Sample Nos. 10510-C, 21151-C, 33582-C, 33583-C, 33776-C, 41243-C, 41244-C, 41247-C.)

This product consisted in large part of a highly decomposed animal substance.

On February 28, 1938, 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 Van Camp Sea Food Co., Inc., San Diego, Calif., alleging shipment by said company in violation of the Food and Drugs Act, within the period from on or about May 10 to on or about May 13, 1937, from the State of California into the States of Indiana, Michigan, Colorado, and Connecticut, of quantities of canned tuna fish which was adulterated. Portions of the article were labeled in part: "Catalina Brand [or "Chicken of the Sea Brand"] * * * Packed By Van Camp Sea Food Company, Inc." The remainder was labeled in part: "Blue & White Brand * * * Red & White Corp'n Distributors."