

7259. Misbranding of poultry and dairy feed. U. S. v. The Early & Daniel Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 12601. Sample Nos. 33140-F, 33241-F, 33243-F to 33246-F, incl.)

INFORMATION FILED: November 1, 1944, Southern District of Ohio, against the Early & Daniel Co., a corporation, Cincinnati, Ohio.

ALLEGED SHIPMENT: On or about November 2 and December 11, 1943, from the State of Ohio into the State of Maryland.

LABEL, IN PART: (Tags) "Tuxedo Broiler Mash [or "Egg Mash," "Dairy 33%," or "Special 24% Dairy"]."

VIOLATION CHARGED: Broiler Mash, misbranding, Section 403 (a), the following statements on the tags, "Guaranteed Analysis Protein—(Minimum) 18.0% [or "18½%"]," were false and misleading since the article contained protein in amounts varying from 14.39 percent to 15.27 percent.

Egg mash, misbranding, Section 403 (a), the statement on the tags, "Guaranteed Analysis: Protein—(minimum) 20.00%," was false and misleading since the article contained protein in amounts varying from 17.64 percent to 18.08 percent.

Special 24% Dairy and Dairy 33%, misbranding, Section 403 (a), the following statements on the tags of the respective articles, "Guaranteed Analysis: Protein . . . (minimum) 24.00%," and "Guaranteed Analysis Protein . . . (minimum) 33.00%," were false and misleading since the former article contained protein in amounts varying from 20.45 to 20.62 percent, and the latter article contained protein in amounts varying from 26.24 to 26.50 percent.

DISPOSITION: December 6, 1944. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$50 on each of 6 counts, a total of \$300, was imposed.

7260. Adulteration and misbranding of soy bean oil meal. U. S. v. Soya Processing Co. Plea of guilty. Fine, \$400. (F. D. C. No. 12623. Sample No. 33251-F.)

INFORMATION FILED: November 14, 1944, Northern District of Ohio, against the Soya Processing Co., a corporation, Wooster, Ohio.

ALLEGED SHIPMENT: On or about April 25, 1944, from the State of Ohio into the State of Maryland.

LABEL, IN PART: "Wooster Brand Soy Bean Oil Meal Guaranteed Analysis Protein 41% Minimum."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of soy bean oil meal and calcium carbonate had been substituted in whole or in part for soy bean oil meal, which the article was represented to be.

Misbranding, Section 403 (a), the statements, "Guaranteed Analysis" and "Protein 41% Minimum," were false and misleading since the product contained not more than 37.05 percent of protein; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since the article contained 6.32 percent of calcium carbonate and the label failed to bear the name of that ingredient.

DISPOSITION: December 5, 1944. A plea of guilty having been entered, a fine of \$200 on each of 2 counts was imposed.

7261. Adulteration and misbranding of Vitapep Dog Food. U. S. v. 10 Cartons of Vitapep Dog Food (and 1 other seizure action against Vitapep Dog Food). Decrees of condemnation and destruction. (F. D. C. Nos. 14622, 14702. Sample Nos. 61849-F, 73935-F.)

LABELS FILED: On or about December 6 and 7, 1944, Northern District of Texas and District of Arizona.

ALLEGED SHIPMENT: On or about September 26 and October 18, 1944, by the Vitapep Products, Inc., from Los Angeles, Calif.

PRODUCT: Vitapep Dog Food: 10 cartons, each containing 12 1-pound, 10-ounce bags, at Phoenix, Ariz., and 107 5-pound bags and 591 26-ounce bags, at Dallas, Tex.

This product contained a substance (the identity of which was not determined) that was deleterious and injurious to dogs.

LABEL, IN PART: "Kibbled Vitapep Dog Food."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (1), the product contained an added deleterious substance that may have rendered it injurious to health.