

cans, each containing approximately 30 pounds, of frozen egg product, remaining unsold in the original unbroken packages and in possession of the Merchants Refrigerating Co., New York, N. Y., alleging that the product had been shipped on or about March 11, 1913, by the Great Atlantic and Pacific Tea Co., Jersey City, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, decayed egg product, contrary to the provisions of section 7, subsection 6, under "Food," of said Food and Drugs Act.

On April 7, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., April 14, 1914.

**3054. Misbranding of peanut butter. U. S. v. Julius Koehler (Royal Peanut Butter Co.).**  
**Plea of guilty. Fine, \$10 and costs.** (F. & D. No. 5105. I. S. Nos. 2905-e, 4910-e.)

On July 9, 1913, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Julius Koehler, trading as the Royal Peanut Butter Co., Cleveland, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 31, 1912, from the State of Ohio into the State of Minnesota, of a quantity of so-called University Brand Peanut Butter which was misbranded. The product was labeled (on jars): "University Brand Peanut Butter—Packed at about 12 ounces. Bottled for Winston-Harper-Fisher Co., Minneapolis, Minn." (Label on shipping package of part of shipment) "1 Doz. 25¢ size—University Brand Peanut Butter—Packed at about 12 ounces—Bottled for Winston-Harper-Fisher Co., Minneapolis, Minn.—Soo Line-Mpls. 105390-7-26-12." (Label on shipping package of rest of said shipment) Similar to label on retail package with the following added: "2 Dozen 10¢ size."

Examination of samples of the product by the Bureau of Chemistry of this department showed the following results: Batch 1—(1) Net weight  $10\frac{2}{3}$  oz., shortage 13.54 per cent; (2) net weight  $10\frac{1}{4}$  oz., shortage 14.58 per cent; (3) net weight  $10\frac{1}{3}$  oz., shortage 15.62 per cent; (4) net weight  $10\frac{3}{8}$  oz., shortage 13.54 per cent; (5) net weight  $10\frac{1}{2}$  oz., shortage 15.62 per cent; (6) net weight  $10\frac{5}{8}$  oz., shortage 11.45 per cent; (7) net weight  $10\frac{3}{4}$  oz., shortage 13.54 per cent; (8) net weight 10 oz., shortage 16.66 per cent; average contents 10.28 oz., average shortage 14.33 per cent. Batch 2—(1) Net weight  $9\frac{7}{8}$  oz., shortage 17.7 per cent; (2) net weight 10 oz., shortage 16.66 per cent; (3) net weight 10 oz., shortage 16.66 per cent; (4) net weight  $10\frac{3}{8}$  oz., shortage 13.54 per cent; (5) net weight  $9\frac{5}{8}$  oz., shortage 19.79 per cent; (6) net weight  $10\frac{3}{8}$  oz., shortage 14.58 per cent; (7) net weight  $10\frac{1}{2}$  oz., shortage 15.62 per cent; (8) net weight 10 oz., shortage 16.66 per cent; (9) net weight  $10\frac{3}{8}$  oz., shortage 13.54 per cent; (10) net weight  $10\frac{3}{8}$  oz., shortage 14.58 per cent; average shortage 15.9 per cent. Misbranding of the product was alleged in the information for the reason that the statement on the label thereof, "Packed at about 12 ounces," was false and misleading, as it conveyed the impression that the net contents of the containers on which the statement appeared was 12 ounces, whereas, in fact, the net contents thereof was less than 12 ounces, there being an average shortage in the packages weighed of 14.33 per cent in one sample and 15.9 per cent in another sample. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser into the belief that each package thereof contained 12 ounces, whereas in fact the contents of a number of said packages showed an average shortage of approximately 15 per cent. It was further alleged in the information that the

offense set forth therein was a second offense under the terms of the act of June 30, 1906.

On September 18, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

**3055. Adulteration of oysters. U. S. v. 32 Barrels of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5106. S. No. 1739.)**

On March 24, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 32 barrels, more or less, of oysters remaining unsold in the original unbroken packages and in possession of Charles H. Weser, Washington, D. C., alleging that the product had been shipped from the State of Virginia into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The product bore no label except the shipping tag showing the names of the consignor and consignee. Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance, for which reasons the said oysters were absolutely unfit for human consumption.

On May 12, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

**3056. Adulteration and misbranding of cottonseed meal. U. S. v. 600 Bags of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 5109, 5110. S. No. 1740.)**

On March 24, 1913, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 bags of cottonseed meal remaining unsold in the original unbroken packages at Williamstown and Bradstreet, Mass., alleging that the product had been shipped by the Humphreys Godwin Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Dixie Brand Cottonseed Meal—Guaranteed analysis:

100 lbs. Gross.....	99 Net
Protein.....	38.62 to 43 %
Fat.....	6 to 8 %
Crude Fibre.....	8 to 12 %
Carbohydrates.....	24 to 28 %
Made from Pressed Cotton Seed.	

Manfgd. for Humphreys, Godwin Co., Memphis, Tenn. We give and ask 'A Square Deal'."

Adulteration of the product was alleged in the libel for the reason that a substitute, to wit, cottonseed hulls, had been substituted in part for said food, and said substance had been mixed and packed with the food so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, cottonseed meal.