

3930. Misbranding of salad dressing. U. S. v. The Horton-Cato Mfg. Co. Plea of guilty. Fine, \$50. (F. & D. No. 5387. I. S. No. 4866-e.)

On April 28, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Horton-Cato Manufacturing Co., a corporation, Detroit, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 1, 1912, from the State of Michigan into the State of Missouri, of a quantity of salad dressing which was misbranded. The product was labeled: (Neck label) "Keep in refrigerator or cool place." (Blown in bottle) "Royal Salad dressing. The Horton-Cato Mfg. Co., Detroit, Mich." (On four sides of carton) "One gallon Royal Salad Dressing, Manufactured only by The Horton-Cato Mfg. Co. Detroit, Mich., Windsor, Can."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Jug No.	Net volume.	Shortage.	Shortage.
	<i>Parts of gallon.</i>	<i>Parts of gallon.</i>	<i>Per cent.</i>
1.	0.941	0.059	5.9
2.	0.950	0.050	5.0
3.	0.946	0.054	5.4
4.	0.928	0.072	7.2
Average shortage.....	5.8

Misbranding of the product was alleged in the information for the reason that the statement "One gallon," borne on the label of the bottles containing the articles of food, was false and misleading because it misled and deceived the purchaser into the belief that the bottles contained 1 gallon of the article, whereas, in truth and in fact, the bottles did not contain 1 gallon of the article, but contained a less amount. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "One gallon," thereby conveying the impression that the bottles contained 1 gallon of the article, whereas, in truth and in fact, the bottles did not contain 1 gallon of the article, but contained a less amount.

On January 6, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.