

6708. Adulteration and misbranding of evaporated milk. U. S. * * * v. 100 Cases * * * Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9052. I. S. No. 12138-p. S. No. C-904.)

On June 4, 1918, the United States attorney for the Southern District of Illinois, 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 100 cases of evaporated milk, consigned on or about April 22, 1918, remaining unsold in the original unbroken packages at Quincy, Ill., alleging that the article had been shipped by the Kahoka Evaporated Milk Co., Kahoka, Mo., and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Kahoka Brand Evaporated Milk * * *, is prepared from pure milk and evaporated to the consistency of creamy milk."

Adulteration of the article was alleged in the libel for the reason that partially evaporated milk had been substituted for evaporated milk, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk, and in that the statement, to wit, "Evaporated Milk," was false and misleading and deceived and misled the purchaser.

On December 11, 1918, J. Trump & Sons Mercantile Co., a corporation, Kahoka, Mo., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled to show that it was partially evaporated milk.

J. R. Riggs, Acting Secretary of Agriculture.

6709. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Thomas R. Pugh and Joseph W. Pugh (Wilmot Oil Mill). Plea of guilty. Fine, \$50. (F. & D. No. 9053. I. S. No. 19972-m.)

On October 10, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas R. Pugh and Joseph W. Pugh, trading as the Wilmot Oil Mill, Wilmot, Ark., alleging the shipment by said defendants, in violation of the Food and Drugs Act, on or about December 21, 1916, from the State of Arkansas into the State of Michigan, of a quantity of an article labeled in part, "Danish Brand Cotton Seed Meal," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following result:

Protein (N x 6.25) (per cent)----- 33.69

Adulteration of the article was alleged in substance in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the statement, to wit, "Guaranteed Analysis * * * Protein 36 to 38.50%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading

in that it represented that the article contained not less than 36 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein, whereas, in truth and in fact, it contained less than 36 per cent of protein, to wit, approximately 33.69 per cent of protein, and for the further reason that the statement, to wit, "Cotton Seed Meal," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted exclusively of cottonseed meal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted exclusively of cottonseed meal, whereas, in truth and in fact, it did not so consist, but consisted of a mixture composed in part of added cottonseed hulls.

On March 25, 1919, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$50.

J. R. Riggs, Acting Secretary of Agriculture.

6710. Adulteration of tomatoes. U. S. * * * v. Joseph C. Sterling, George T. Corbin, and John T. Handy (J. T. Handy Co.). Plea of guilty. Fine, \$20 and costs. (F. & D. No. 9055. I. S. Nos. 1210-p, 2360-p, 3405-p, 3406-p.)

On December 5, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph C. Sterling, George T. Corbin, and John T. Handy, trading under the name of J. T. Handy Co., Crisfield, Md, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about September 13, 1917; November 10, 1917; October 26, 1917; and November 1, 1917, from the State of Maryland into the States of Connecticut, Pennsylvania, and Virginia, respectively, the two last-named shipments being to Virginia, of quantities of tomatoes which were adulterated. The article in the first-named shipment was labeled in part, "Polo Brand Tomatoes," and in the other shipments, "Riverside Brand Tomatoes."

Analysis of samples of the article by the Bureau of Chemistry of this department showed from the immersion refractometer readings of the juice at 20° C., the addition of water to the tomatoes.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

On December 5, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20 and costs.

J. R. Riggs, Acting Secretary of Agriculture.

6711. Misbranding of macaroni and spaghetti. U. S. * * * v. John F. Lorentz, Walter C. Lorentz, and Ralph G. Lorentz (Lorentz Co.). Plea of nolo contendere. Fine, \$160 and costs. (F. & D. No. 9058. I. S. Nos. 8848-p, 8850-p, 8853-p, 8854-p.)

On October 16, 1918, 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 John F. Lorentz, Walter C. Lorentz, and Ralph G. Lorentz, co-partners, trading as Lorentz Co., Mansfield, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about November 8, 1917, and