

as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in whole or in part for evaporated milk, which the article purported to be.

Misbranding of the article was alleged with respect to both of the shipments for the reason that the statement "Evaporated Milk," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading and labeled and branded so as to deceive and mislead the purchaser in that it represented that said article was evaporated milk, whereas, in truth and in fact, said article was not evaporated milk, but was a partially evaporated milk. Misbranding of the article was alleged with respect to the shipment of June 13, 1918, for the further reason that the statement, to wit, "Net Weight 16 Ozs.," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser in that it represented that each of the said cans contained 16 ounces of the article, whereas, in truth and in fact, each of said cans did not contain 16 ounces of the article, but did contain a less amount. Misbranding was further alleged with respect to the shipment of June 13, 1918, in that it was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On August 9, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100.

E. D. BALL, *Acting Secretary of Agriculture.*

**7891. Adulteration and misbranding of gelatin. U. S. \* \* \* v. 200 Pounds of Alleged Gelatin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10647. I. S. No. 12104-r. S. No. C-1320.)**

On June 27, 1919, the United States attorney for the Eastern District of Texas, 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 200 pounds of alleged gelatin, remaining unsold in the original unbroken packages at Jacksonville, Tex., alleging that the article had been shipped on or about April 16, 1919, by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "Gelatine."

Adulteration of the article was alleged in the libel for the reason that glue had been mixed and packed with and substituted in part for gelatin, and in that it contained an added poisonous and deleterious ingredient, to wit, zinc, which might render said article injurious to health.

Misbranding of the article was alleged for the reason that the statement, to wit, "Gelatine," was false and misleading and deceived and misled the purchaser in that glue had been mixed and packed with and substituted in part for gelatin. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article and that it was offered for sale under the distinctive name of gelatin, whereas it was not gelatin, but contained zinc and other substances injurious to health.

On April 27, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*