

affect the quality and strength of the article, and had been substituted in part for said article.

Misbranding was alleged for the reason that the quantity of the contents of the article was not plainly and conspicuously stated on the outside of the cases in terms of weight or measure.

On December 13, 1919, Rosenberg Bros. & Co., San Francisco, Calif., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$10,000, in conformity with section 10 of the act, conditioned in part that the article be properly branded by stating the quantity of the contents of said article on the outside of the cases in terms of weight or measure, and that the apples be properly dried so as to conform to the provisions of the Food and Drugs Act.

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

8632. Misbranding of cottonseed meal. U. S. * * * v. Joseph Newburger, Robert L. Taylor, John B. Perry, and James T. Thomas (Marianna Cotton Oil Co.). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 11809. I. S. No. 11981-r.)

On or about January 30, 1920, 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 Joseph Newburger, Robert L. Taylor, John B. Perry, and James T. Thomas, copartners, trading as the Marianna Cotton Oil Co., Marianna, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 30, 1919, from the State of Arkansas into the State of Kansas, of a quantity of an article labeled "Good Luck Brand Cotton Seed Meal," which was misbranded.

Forty representative sacks from the shipment averaged 94 $\frac{1}{2}$ pounds net.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds Gross (99 lbs. Net)," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that each of the sacks contained 99 pounds thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the sacks contained 99 pounds thereof, whereas, in truth and in fact, each of the sacks did not contain 99 pounds of the article, but contained a less amount. Misbranding was alleged for the further reason that the article 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 October 5, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

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

8633. Adulteration and misbranding of wheat bran (brown) shorts and wheat screenings. U. S. * * * v. 350 Sacks of Wheat Bran (Brown) Shorts and Wheat Screenings. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11828. I. S. No. 8205-r. S. No. C-1643.)

On December 22, 1919, the United States attorney for the Western District of Arkansas, 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