

**9684. Misbranding of cracked cottonseed feed. U. S. \* \* \* v. Dallas Peanut Feed Manufacturers, a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 10592. I. S. No. 10829-r.)**

On August 20, 1920, the United States attorney for the Northern District of Texas, 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 Dallas Peanut Feed Manufacturers, a corporation, Dallas, Tex., alleging shipment by said company, on or about September 26, 1918, in violation of the Food and Drugs Act, from the State of Texas into the State of Kansas, of a quantity of an article labeled in part, "Cracked Cottonseed Feed No. Four," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 39.75 per cent of protein and that the average net weight of 35 sacks was 94.62 pounds.

Misbranding of the article was alleged in substance in the information for the reason that the statements, "Proten [Protein] not less than 41.20%" and "100 Pounds, Net," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 41.20 per cent of protein and that each sack contained 100 pounds of the article, and for the further reason that the article was so labeled as to deceive and mislead the purchaser into the belief that the article contained not less than 41.20 per cent of protein and that each sack contained 100 pounds of the article, whereas, in truth and in fact, the article contained less than 41.20 per cent of protein and each sack contained less than 100 pounds of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 2, 1921, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9685. Adulteration and misbranding of canned kidney beans. U. S. \* \* \* v. 102 Cases, 99 Cases, 137 Cases, and 275 Cases of Kidney Beans. Consent decrees and orders for release of product under bond. (F. & D. Nos. 12173, 12174, 12175, 12196, 12197. I. S. Nos. 9011-r, 9243-r, 9244-r, 9245-r, 9246-r, 9017-r, 9018-r. S. Nos. C-1752, C-1753, C-1754, C-1757, C-1773, C-1774.)**

On February 18, 19, and 20, 1920, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 613 cases of kidney beans, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., July 30 and November 22, 1919, and January 8, 1920, respectively, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The various consignments were labeled in part, respectively, "Elk Brand Red Kidney Beans \* \* \*," "Scott County Brand Red Kidney Beans \* \* \*," "White House Brand Red Kidney Beans \* \* \*," "Squirrel Brand Red Kidney Beans \* \* \*," "Lucky Boy Brand Kidney Beans \* \* \*," and "Pilot Brand Red Kidney Beans \* \* \*."

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, the said article, to wit, kidney beans.

Misbranding was alleged for the reason that the above-quoted labeling was false and misleading and deceived and misled the purchaser when applied to long cranberry beans, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 2, 1921, the Morgan Packing Co., Austin, Ind., claimant, having admitted the allegations of the libel and having consented to decrees, judgments were entered finding that the product had been unlawfully shipped for sale in interstate commerce, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,900, in conformity with section 10 of the act, conditioned in part that the said product be relabeled as "Naga Uzura Kidney Beans," and that in the future the term "Kidney" be not used further than necessary to exhaust the stock of beans and labels on hand January 15, 1922.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9686. Misbranding of grapes. U. S. \* \* \* v. Charles R. Brewer. Plea of guilty. Fine, \$25. (F. & D. No. 12315. I. S. Nos. 13169-r, 17330-r.)**

On June 29, 1920, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles R. Brewer, Starkey, N. Y., alleging shipment by said defendant, on or about October 3, 1919, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Massachusetts and the District of Columbia, respectively, of quantities of grapes which were misbranded.

Examination of the consignments by the Bureau of Chemistry of this department showed an average content of 2 pounds 9 ounces on 32 baskets taken from the shipment to Massachusetts and of 2 pounds 13 ounces on 121 baskets taken from the shipment to the District of Columbia.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 3 Lbs.," borne on the labels attached to the baskets containing the article, regarding the article, was false and misleading in that it represented that each of the said baskets contained 3 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the baskets contained 3 pounds net of the article, whereas, in truth and in fact, each of the said baskets did not contain 3 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 12, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9687. Misbranding of Robert J. Pierce's Empress Brand tansy, cotton root, pennyroyal, and apiol tablets. U. S. \* \* \* v. 64 Packages \* \* \* of Robert J. Pierce's Empress Brand Tansy, Cotton Root, Pennyroyal, and Apiol Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13307. I. S. No. 12379-t. S. No. C-2303.)**

On September 2, 1920, the United States attorney for the Southern District of Ohio, 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 64 packages, more or less, of Robert J. Pierce's Empress Brand tansy,