

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,