

against Riley C. Abbott, Elizabeth City, N. C., alleging shipment by said defendant, on or about May 23, 1919, in violation of the Food and Drugs Act, as amended, from the State of North Carolina into the State of New York, of a quantity of peas which were misbranded.

Misbranding of the article was alleged in the information for the 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 April 12, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

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

**9827. Adulteration and misbranding of flour wheat middlings. U. S. \* \* \* v. Federal Grain Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 13906. I. S. No. 24727-r.)**

On December 13, 1920, the United States attorney for the District of Minnesota, 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 Federal Grain Co., a corporation, St. Paul, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 30, 1919, from the State of Minnesota into the State of Wisconsin, of a quantity of flour wheat middlings which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained a material amount of ground rice hulls and 9.35 per cent of fiber.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, ground rice hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for flour wheat middlings with ground screenings mill run, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Flour wheat middlings with ground screenings mill run" and "Fiber 8%," borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article consisted wholly of flour wheat middlings with ground screenings mill run and that it contained no more than 8 per cent of fiber, 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 wholly of flour wheat middlings with ground screenings mill run and that it contained not more than 8 per cent of fiber, whereas, in truth and in fact, it did not consist wholly of flour wheat middlings with ground screenings mill run, but did consist in part of ground rice hulls, and it did contain more than 8 per cent of fiber, to wit, 9.35 per cent.

On December 13, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**9828. Misbranding of Pansy little chick feed. U. S. \* \* \* v. The Quaker Oats Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 13910. I. S. Nos. 24528-r, 24529-r.)**

On April 19, 1921, the United States attorney for the Northern District of Illinois, 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 Quaker Oats Co., a corporation, trading at Chicago, Ill., alleging shipment by

said company, in violation of the Food and Drugs Act, on or about December 25, 1919, and February 8, 1920, respectively, from the State of Illinois into the State of Michigan, of quantities of Pansy little chick feed which was misbranded.

Analyses of samples of the article from each shipment by the Bureau of Chemistry of this department showed that it contained approximately 5 per cent of weed seeds.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Not To Exceed 1-2 of 1% Miscellaneous Wild Seeds," borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not more than one-half of 1 per cent of miscellaneous wild seeds, 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 more than one-half of 1 per cent of miscellaneous wild seeds, whereas, in truth and in fact, it contained more than one-half of 1 per cent of miscellaneous wild seeds.

On May 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and on July 1, 1921, the court imposed a fine of \$100. and costs.

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

**9829. Misbranding of cottonseed meal and cake. U. S. \* \* \* v. Osage Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 13914. I. S. No. 18802-r.)**

On January 31, 1921, 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 an information against the Osage Cotton Oil Co., a corporation, trading at Mulberry, Ark., alleging shipment by said company, on or about December 6, 1919, in violation of the Food and Drugs Act, as amended, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal and cake which were misbranded.

Examination by the Bureau of Chemistry of this department of 67 sacks from the consignment showed an average gross weight of 97.11 pounds and an average net weight of 96.49 pounds.

Misbranding of the articles 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 articles, regarding the articles, was false and misleading in that it represented that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the respective articles, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the respective articles, whereas, in truth and in fact, each of the sacks did not weigh 100 pounds gross but did weigh a less amount, and each of the said sacks did not contain 99 pounds net of the respective articles, but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 17, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

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