

blackberry punch beverages, at Fort Smith, Winslow, Booneville, and Chismville, Ark., respectively, and on March 1, 1921, an amended libel was filed with respect to a portion thereof, which libels and amended libel alleged that the blackberry punch had been shipped by the Crown Beverage Co., St. Louis, Mo., and that the remainder of the articles had been shipped by the Arlette Fruit Products Co., St. Louis, Mo., on or about November 20 and December 2, 6, and 11, 1920, respectively, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in substance in the libels for the reason that they were artificially colored mixtures of sucrose, invert sugar, and saccharin and water, preserved with benzoate of soda, which was not declared on the labels, and that certain of the said articles, to wit, port hot and port hot Clico, contained capsicum and an imitation wine flavor. Adulteration was alleged in substance for the further reason that the articles were mixed and colored in a manner whereby damage or inferiority was concealed and for the further reason that they contained an added poisonous and deleterious material, saccharin, which might render them injurious to health.

Misbranding was alleged in substance for the reason that certain statements on the labels of the respective kegs or barrel containing the said articles, to wit, "Port Hot," "Cherry," "Orange Sweet," "Port Hot Clico," "Blackberry Punch," [and "Apple"] and "Guarantee the Contents of this Package to Comply with all Laws," were false and misleading and deceived and misled the purchaser; for the further reason that the said articles were imitations of, and were offered for sale under the distinctive names of, other articles; and for the further reason that the quantity and contents of the said articles were not plainly and conspicuously marked on the outside of the packages.

On August 11, 1921, no claimant having appeared for the property, judgments of the court were entered finding the products to be adulterated and misbranded and ordering their destruction by the United States marshal.

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

10025. Adulteration and misbranding of whole ground barley feed. U. S. * * * v. Culbert Milling Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14505. I. S. No. 9099-r.)

On May 17, 1921, 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 Culbert Milling Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 22, 1919, from the State of Minnesota into the State of Missouri, of a quantity of whole ground barley feed which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 2.60 per cent of ether extract (crude fat) and 14.83 per cent of crude fiber. Examination of a sample by said bureau showed that it contained a considerable amount of ground oats, with weed seeds also present.

Adulteration of the article was alleged in the information for the reason that substances, to wit, oats, weed seeds, and other foreign material, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for ground barley feed, which the said article purported to be.

Misbranding was alleged for the reason that the following statements, to wit, "Ground Barley Feed" and "Crude Fat at least 3.5% Crude Fibre not more than 9.0%," borne on the tags attached to 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 was ground barley feed and that it contained not less than 3.5 per cent of crude fat and not more than 9.0 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was ground barley feed and that it contained not less than 3.5 per cent of crude fat and not more than 9 per cent of crude fiber, whereas, in truth and in fact, it was not ground barley feed but was a product containing oats, weed seeds, and other foreign material, and it contained less than 3.5 per cent of crude fat and more than 9 per cent of crude fiber.

On October 3, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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