

United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 10451-10500.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 5, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10451. Misbranding of ordinary cottonseed cake. U. S. * * * v. Russell-Coleman Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 10892. I. S. Nos. 6164-r, 10840-r, 10841-r, 10843-r, 10848-r, 10850-r, 10851-r, 10855-r, 10857-r, 10860-r, 10861-r, 10862-r.)

On June 11, 1920, the United States attorney for the Western 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 in twelve counts, each count representing a separate shipment, against the Russell-Coleman Cotton Oil Co., a corporation, San Antonio, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 3, September 20 and 28, October 4, 8, 3, 1, and 2, and September 30 and 28, 1918, from the State of Texas into the State of Oklahoma, and on or about September 23 and October 14, 1918, from the State of Texas into the State of Kansas, of quantities of cottonseed cake, which, in each shipment, was misbranded. All of the shipments except one were labeled in part: "* * * Ordinary Cotton Seed Cake. Manufactured by Russell-Coleman Oil Mill. San Antonio, Texas." The shipment of October 8, 1918, into Oklahoma, was labeled in part: "* * * Ordinary Cotton Seed Cake. Manufactured by Beeville Oil Mill Beeville, Texas."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Date of shipment.	Oct. 3.	Sept. 20.	Sept. 28.	Sept. 23.	Oct. 14.	Oct. 14.	Oct. 8.	Oct. 3.	Oct. 1.	Oct. 2.	Sept. 30.	Sept. 28.
Protein.....per cent..	39.88	36.21	39.76	36.63	37.77	39.80	39.36	33.50	37.21	35.63	36.65	34.65
Fat.....do.....	5.93	5.50	5.64	5.62	5.95	5.50	5.24	5.70	5.63	5.60	5.08
Crude fiber.....do.....	12.93	13.13	12.42	13.49	13.68	13.13	14.70	13.27	12.89	13.72	14.63

Misbranding of all the article except that labeled as having been manufactured by the Beeville Oil Mill was alleged in the information for the reason that the statements, to wit, "Protein Not Less Than 43.00 per cent Fat Not Less Than 6.00 per cent * * * Crude Fiber Not More Than 12.00 per cent," borne on the tags attached to the sacks containing the article, re-

garding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 43 per cent of protein, not less than 6 per cent of fat, and not more than 12 per cent of crude fiber, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, not less than 6 per cent of fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, said article did contain less than 43 per cent of protein, less than 6 per cent of fat, and more than 12 per cent of crude fiber. Misbranding of the article labeled as manufactured by the Beeville Oil Mill was alleged for the reason that the statement, to wit, "Guaranteed Analysis: Protein Not Less Than 43.00 per cent * * *," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 43 per cent of protein, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43.00 per cent of protein.

On April 29, 1922, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$25.

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

10452. Adulteration and misbranding of red kidney beans, so-called. U. S. * * * v. 70 Cases * * * Alleged Kidney Beans * * * et al. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 12152, 12216. I. S. Nos. 8573-r, 9740-r. S. Nos. C-1739, C-1797.)

On February 18, 1920, and March 3, 1920, the United States attorney for the Southern District of Iowa, 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 70 cases and 137 cases, each containing 2 dozen cans, of red kidney beans, at Davenport, Iowa, alleging that the article had been shipped on or about November 29, 1919, and January 19, 1920, by the George Van Camp & Sons Co., Westfield, Ind., and transported from the State of Indiana into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Geo. Van Camp's Red Kidney Beans Contents 1 Lb 4 Oz. Packed By George Van Camp & Sons Co., Westfield, Ind.," or "Unlabeled Red Kidney Beans," or "Jonathan Brand Red Kidney Beans."

It was alleged in substance in the libels that the product was adulterated in that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, red kidney beans.

It was alleged that the article was misbranded in violation of Section 8, general paragraph and paragraphs second and fourth under food, in that the statement "Red Kidney Beans" was false and misleading so as to deceive and mislead the purchaser when applied to long cranberry beans, which article was substituted in whole or in part for red kidney beans. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On April 27, 1922, the cases having come on for disposition, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said George Van Camp & Sons Co., who appeared to be the owner of the product, upon the execution of a good and sufficient bond in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be truly and correctly relabeled, and conditioned further that said company pay the costs of the proceedings.

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

10453. Adulteration of canned salmon. U. S. * * * v. 700 Cases of Canned Salmon. Case submitted to the court and a jury. Finding in favor of the Government. Judgment of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 13468. I. S. No. 9154-t. S. No. E-2728.)

On September 3, 1920, the United States attorney for the Western District of South Carolina, 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