Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding its curative or therapeutic effects, appearing on the carton and bottles containing the article and in the accompanying circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 13, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

10530. Misbranding of cottonseed cake. U. S. * * * v. Planters Cotton Oil Co., Ltd., a Corporation. Plea of guilty. Fine, $100. (F. & D. No. 12476. I. S. No. 11996–r.)

On December 3, 1920, the United States attorney for the Western District of Oklahoma, 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 Planters Cotton Oil Co., Ltd., a corporation, Natchitoches, La., alleging shipment by said company, on or about January 22, 1919, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37.25 per cent of crude protein, 5.10 per cent of crude fat, and 16.21 per cent of crude fiber. Examination of the article showed that the average net weight of 63 sacks was 92.12 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Pounds Gross 99 Lbs. Net Guaranteed Analysis Protein, not less than 41%, Oil or Fat, not less than 6%, Crude Fiber, not more than 12%," 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 each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the article and that it contained not less than 41 per cent of protein, not less than 6 per cent of oil or fat, and not more than 12 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 each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the said article and that it contained not less than 41 per cent of protein, not less than 6 per cent of oil or fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, each of the said sacks did not weigh 100 pounds gross but did weigh a less amount, the said sacks did not contain 99 pounds net of the article but did contain a less amount, and the said article did contain less than 41 per cent of protein, less than 6 per cent of oil or fat, and more than 12 per cent of crude fiber, to wit, approximately 37.25 per cent of protein, 5.10 per cent of oil or fat, and 16.21 per cent of crude fiber. 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 May 24, 1922, 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.*

10531. Misbranding of lake herring. U. S. * * * v. Swift & Co., a Corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 12807. I. S. No. 7335–r.)

On August 20, 1920, the United States attorney for the Eastern 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 Swift & Co., a corporation, East St. Louis, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about August 5, 1919, from the State of Illinois into the State of Indiana, of a quantity of an article of food, to wit, lake herring, which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average net weight of 5 pails was 8½ pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net 10," borne on the pails containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that each of the said pails con-