

violation of the Food and Drugs Act, as amended, from the State of Tennessee into the State of Texas, of a quantity of horse feed which was adulterated and misbranded. The article was labeled in part: (Tag) "100-Lbs. Net International Dan Patch Special Horse Feed Manufactured by International Sugar Feed No. Two Co. Memphis, Tenn. * * *."

Examination of the article by the Bureau of Chemistry of this department showed that it was badly heated, caked, musty, and moldy, and that a large part thereof was unfit for feeding purposes; fifteen sacks weighed by the said bureau showed a total gross weight of 1,422 pounds.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

Misbranding was alleged for the reason that the statement, "100 Lbs. Net when packed," borne on the sacks containing the article and the statement, to wit, "100 Lbs. Net," borne on the tags attached to the said sacks, regarding the article, were false and misleading in that the said statements represented that each of the said sacks contained 100 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 said sacks contained 100 pounds net of the article, whereas, in truth and in fact, each of the said sacks did not contain 100 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 June 2, 1922, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

10558. Adulteration of butter. U. S. * * * v. Homestead Creamery Co., a Corporation. Plea of guilty. Fine, \$5. (F. & D. No. 15843. I. S. No. 10976-t.)

On February 27, 1922, the United States attorney for the District of Nebraska, 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 Homestead Creamery Co., a corporation, Mitchell, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 21, 1921, from the State of Nebraska into the State of Colorado, of a quantity of butter which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed an excess of moisture and a deficiency of butter fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and which contained excessive added water had been substituted for butter, which the said article purported to be, and for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

On June 12, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

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

10559. Adulteration of lemons. U. S. * * * v. 406 Boxes * * * of Lemons. Decree by consent providing for release of the product under bond. (F. & D. No. 16396. Inv. No. 42585. S. No. C-3654.)

On or about June 2, 1922, the United States attorney for the Eastern District of Missouri, 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 406 boxes of lemons, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Angeles Brokerage Co., Los Angeles, Calif., on or about May 22, 1922, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part, "Lad Brand Imperial Distributing Company, Los Angeles, California." The remainder of the article was labeled in part, "Lassie Brand * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance.

On June 6, 1922, the Sommer Fruit Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a

decree of condemnation and destruction of such portion of the product as was unfit for food, judgment was entered finding the product to have been shipped in violation of the said act, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the portion unfit for food and that the bad portion be not sold or otherwise disposed of contrary to law.

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

10560. Misbranding of cottonseed meal and cottonseed cake. U. S. * * * v. Rufus W. Henderson and Myron C. Stockbridge (Henderson Cotton Oil Co.). Pleas of guilty. Fines, \$100. (F. & D. Nos. 10767, 12352. I. S. Nos. 10827-r, 10870-r, 12033-r.)

On October 16, 1919, and August 11, 1920, respectively, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Rufus W. Henderson and Myron C. Stockbridge, copartners, trading as the Henderson Cotton Oil Co., Shreveport, La., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Kansas, on or about February 19, 1918, and February 22, 1919, respectively, of quantities of cottonseed meal, and on or about December 13, 1918, of a quantity of cottonseed cake, all of which were misbranded.

Analysis of a sample of the cottonseed meal from the consignment of February 19, 1918, by the Bureau of Chemistry of this department, showed that it contained 35.75 per cent of protein and 13.98 per cent of crude fiber. Analysis of a sample of the cottonseed cake by said bureau showed that it contained 37.53 per cent of protein, 13.50 per cent of crude fiber, and 6.00 per cent of nitrogen. Examination of 61 sacks of the cottonseed cake showed that the average net weight thereof was 97.66 pounds.

Misbranding of the cottonseed meal consigned February 19, 1918, and of the cottonseed cake was alleged in substance in the informations for the reason that the statements, to wit, "Protein 38.55%" and "Crude Fibre 12.00%," with respect to the former, and the statements, to wit, "Guaranteed Analysis * * * 99 Lbs. Net Protein 38.55% * * * Crude Fibre 12.00% * * * Equivalent Nitrogen 6.17%," with respect to the latter, borne on the tags attached to the sacks containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that both articles contained not less than 38.55 per cent of protein and not more than 12 per cent of crude fiber, that the cottonseed cake contained not less than 6.17 per cent of equivalent nitrogen, and that the sacks containing the said cottonseed cake contained 99 pounds thereof, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they both contained not less than 38.55 per cent of protein and not more than 12 per cent of crude fiber, that the said cottonseed cake contained not less than 6.17 per cent of equivalent nitrogen, and that the sacks containing the said cottonseed cake contained 99 pounds thereof, whereas, in truth and in fact, the said articles did contain less than 38.55 per cent of protein and more than 12 per cent of crude fiber, the cottonseed cake contained less than 6.17 per cent of equivalent nitrogen, and the sacks containing the same did not contain 99 pounds thereof. Misbranding was alleged with respect to the said cottonseed cake and to the cottonseed meal consigned February 22, 1919, for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On May 22, 1922, the defendants entered pleas of guilty to the respective informations, and the court imposed fines in the aggregate sum of \$100.

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

10561. Adulteration and misbranding of rice bran. U. S. * * * v. Benedict Commission Co., Ltd., a Corporation. Plea of guilty. Fine, \$30. (F. & D. No. 10788. I. S. No. 16229-r.)

On October 18, 1919, the United States attorney for the Eastern District of Louisiana, 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 Benedict Commission Co., Ltd., a corporation, New Orleans, La., alleging ship-