

**10619. Misbranding of mayonnaise dressing and Russian dressing. U. S. \* \* \* v. 17 Cases of Mayonnaise and 6 Cases of Russian Dressing. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 16374. I. S. Nos. 9504-t, 9505-t. S. No. E-3892.)**

On June 3, 1922, the United States attorney for the Northern District of Georgia, 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 17 cases of mayonnaise dressing and 6 cases of Russian dressing, remaining in the original unbroken packages at Atlanta, Ga., alleging that the articles had been shipped by the Duke Mayonnaise Co., Greenville, S. C., on or about May 16 and April 20, 1922, respectively, and transported from the State of South Carolina into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Duke's Home Made Mayonnaise \* \* \* Duke Mayonnaise Co. Greenville, S. C. Net Weight 8 Ozs."; "\* \* \* Russian Dressing \* \* \* Duke Mayonnaise Co. Greenville, S. C. Net Weight 8 Ozs."

Misbranding of the articles was alleged in substance in the libel for the reason that the statement borne on the label on the packages containing the said articles, regarding the contents of the said packages, to wit, "Net weight 8 Ozs.," was false and misleading and deceived and misled the purchaser into the belief that each of the said packages contained 8 ounces net of the said articles, whereas, in truth and in fact, the said packages did not each contain 8 ounces net of the said articles but did contain a materially less quantity than 8 ounces. Misbranding was alleged for the further reason that the articles were [food] in package form, and the quantity of the contents thereof was not plainly and conspicuously [marked] on the outside of the said packages.

On June 15, 1922, the Duke Mayonnaise Co., Greenville, S. C., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be relabeled "Net Weight 7 Ozs.," and that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

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

**10620. Adulteration and misbranding of sirup. U. S. \* \* \* v. Dunbar Molasses & Syrup Co., a Corporation. Plea of guilty. Fine, \$30. (F. & D. No. 10043. I. S. No. 16031-r.)**

On September 27, 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 Dunbar Molasses & Syrup Co., a corporation, New Orleans, La., alleging shipment by said company, on or about April 17, 1918, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Florida, of a quantity of sirup which was adulterated and misbranded. The article was labeled in part: "Dunbar's White Star Brand Syrup Packed By Dunbar Molasses & Syrup Co., New Orleans, La. \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a mixture of glucose and molasses, containing added water, and that the cans containing the same contained less than the declared quantity.

Adulteration of the article was alleged in the information for the reason that substances, to wit, glucose and added water, 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 sirup, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Syrup," "Corn Syrup And Sugar House Molasses," and "Contains 9 Lbs.—3 Ozs.," borne on the labels attached to the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was sirup, that it was corn sirup and sugar house molasses, and that each of the said cans contained 9 pounds and 3 ounces of the said article, 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 was sirup, that it was corn

sirup and sugar house molasses, and that the contents of each of the said cans was 9 pounds and 3 ounces, whereas, in truth and in fact, the said article was not sirup, it was not corn sirup and sugar house molasses, and each of the said cans did not contain 9 pounds and 3 ounces of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was a product composed in part of glucose and added water, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, sirup; and for the further 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 packages.

On December 19, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$30.

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

**10621. Adulteration of milk. U. S. \* \* \* v. Edward G. Hammell and John B. Rueschhoff (Ideal Dairy Co.).** Plea of guilty by John B. Rueschhoff. Fine, \$50 and costs. Counts 2 and 3 of indictment dismissed as to Edward G. Hammell, who pleaded *nolo contendere* and was fined \$25 and costs. (F. & D. No. 10362. I. S. Nos. 10079-p, 10493-p, 10509-p.)

On October 9, 1919, the Grand Jurors of the United States for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district returned in the District Court of the United States for the district aforesaid an indictment in three counts against Edward G. Hammell and John B. Rueschhoff, a partnership, trading as the Ideal Dairy Co., St. Louis, Mo., and having a receiving station at Coulterville, Ill., charging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 4 and 31 and September 13, 1917, respectively, from the State of Illinois into the State of Missouri, of quantities of milk which was adulterated. The article was labeled in part: "To Ideal Dairy Co. \* \* \* From Ideal Dairy Co., Station Coulterville, Ill. \* \* \*."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the milk in each shipment contained filth and that the shipments of August 4 and September 13 also contained added water.

Adulteration of the product involved in all the consignments was charged in the information for the reason that it consisted in whole or in part of a filthy animal substance. Adulteration of the product consigned August 4 and September 13 was charged for the further reason that a certain substance, to wit, added water, 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 milk, which the said product purported to be.

On September 15, 1920, defendant John B. Rueschhoff entered a plea of guilty to the indictment, and the court imposed a fine of \$50 and costs. On December 13, 1921, counts 2 and 3 of the indictment having been dismissed as to defendant Edward G. Hammell, a plea of *nolo contendere* to the remaining count was entered by said defendant, and the court imposed a fine of \$25 and costs.

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

**10622. Misbranding of cottonseed meal. U. S. \* \* \* v. Southland Cotton Oil Co., a Corporation.** Plea of guilty. Fine, \$50. (F. & D. No. 11218. I. S. No. 7485-r.)

On February 3, 1920, the United States attorney for the Northern 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 against the Southland Cotton Oil Co., a corporation, Corsicana, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 17, 1918, from the State of Texas into the State of Missouri, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Pounds Ordinary Cotton Seed Meal Manufactured By Southland Cotton Oil Co. Corsicana Texas (Trade Mark) 'Southland.'"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.13 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the following statement appearing on the label of the sacks containing the said article, to wit, "Protein not less than 43.00%," was false and misleading in that the statement represented to purchasers of the article that it contained not less than 43 per cent of protein, and for the further reason