

dairy feed which was adulterated and misbranded. The article was labeled in part: "100 Pounds (Net) Special Steam Cooked 'Momyk' Dairy Feed * * * Manufactured By Nutriline Milling Company Crowley, La."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 10.09 per cent of protein. Examination by said bureau showed that the article contained alfalfa, rice bran, a little cottonseed meal, and some coarsely-ground peanut shells.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, peanut shells, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statements, to wit, " * * * Composed of Rice Bran, Ordinary Cottonseed Meal, Alfalfa Meal 30%, Molasses, and Salt $\frac{1}{2}$ % * * * Guaranteed Analysis: Crude Protein not less than 12.00 Per Cent * * *," borne on the sacks containing the article, regarding the said article and the substances and ingredients contained therein, were false and misleading in that it was not composed wholly of rice bran, ordinary cottonseed meal, alfalfa meal, molasses, and salt, but contained added peanut shells, and it did not contain 12 per cent of protein, but contained a less amount, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed of rice bran, ordinary cottonseed meal, alfalfa meal, molasses, and salt, and that it contained 12 per cent of protein, whereas, in truth and in fact, it contained less than 12 per cent of protein and contained added peanut shells.

On February 3, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11054. Misbranding of pears. U. S. v. 576 Boxes of Pears. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15348. I. S. No. 5988-t. S. No. E-3563.)

On August 25, 1921, the United States attorney for the Western District of New York, 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 576 boxes of pears, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by Cohen, Mann & Kahn, Palmdale, Calif., August 11, 1921, and transported from the State of California into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Liberty Brand * * * Bartlett Pears * * * Grown at Little Rock California Cohen, Mann & Kahn * * * Chicago * * *." A portion of the said boxes bore the statement, "Net Contents not less than 45 Lbs."

Examination of the article by the Bureau of Chemistry of this department showed that a portion of the said boxes bore no statement as to the net contents and that the remainder contained less than the amount declared on the labeling.

Misbranding of the article was alleged in the libel for the reason that the following statement appearing on the boxes containing the said article, to wit, "Net Contents not less than 45 Lbs.," was false and misleading, and 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 August 30, 1921, Cohen, Mann & Kahn, Chicago, Ill., claimants, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11055. Adulteration of oranges. U. S. v. 396 Boxes and 341 Boxes of Oranges. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15826, 16094. I. S. Nos. 1804-t, 1807-t, 1808-t. S. Nos. C-3468, C-3506.)

On March 14 and April 1, 1922, respectively, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels