

February 4, 1922, from the State of Georgia into the State of Florida, of quantities of molasses feed, a portion of which was misbranded and the remainder of which was adulterated and misbranded. A portion of the article was labeled in part: "100 Pounds Cavalry Molasses Feed From National Milling Company Macon, Georgia." The remainder of the article was labeled in part: "100 Pounds Rex Dairy Molasses Feed National Milling Company, Macon, Georgia Average Analysis—Protein 10 Fat 4 Carbohydrates 55 Fibre 12."

Examination by the Bureau of Chemistry of this department of 10 sacks of the Cavalry feed and 10 sacks of the Rex dairy feed showed an average net weight of 98.28 and 97.13 pounds, respectively.

Adulteration was alleged in the information with respect to the Rex dairy feed for the reason that a substance low in fat and high in crude fiber 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 the said article. Adulteration was alleged for the further reason that a substance low in fat and high in crude fiber had been mixed with the article in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged with respect to the Rex dairy feed for the reason that the statements, "Average Analysis * * * Fat 4 * * * Fibre 12," borne on the tags attached to the sacks containing the article, were false and misleading in that they represented that the said article contained 4 per cent of fat and not more than 12 per cent of 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 it contained 4 per cent of fat and not over 12 per cent of fiber, whereas, in truth and in fact, the said article did contain less than 4 per cent of fat and more than 12 per cent of fiber.

Misbranding was alleged with respect to both brands of the article for the reason that the statement, to wit, "100 Pounds," borne on the tags attached to the sacks containing the article, was false and misleading in that the said statement represented that each of the said sacks contained 100 pounds of the said 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 of the article, whereas, in truth and in fact, they did not but did contain a less quantity. Misbranding was alleged with respect to both brands of the article 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 package.

On October 1, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

11941. Misbranding of dairy feed. U. S. v. Hales & Hunter Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17801. I. S. No. 10456-v.)

At the November, 1923, term of the United States District Court within and for the Northern District of Illinois, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Hales & Hunter Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 5, 1923, from the State of Illinois into the State of Kentucky, of a quantity of dairy feed which was misbranded. The article was labeled in part: (Tag) "Gold Flake Dairy Feed Made By Hales & Hunter Co., Chicago, Ill. Guaranteed Analysis Protein 16.00 Per Cent Fat 3.50 Per Cent Fiber 15.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 10.54 per cent of protein, 16.07 per cent of fiber, and 2.32 per cent of fat.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein 16.00 Per Cent Fat 3.50 Per Cent Fiber 15.00 Per Cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 16 per cent of protein, not less than 3.50 per cent of fat, and not more than 15 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 16 per cent of protein, not less than 3.50 per cent of fat, and not more than 15 per cent of fiber,

whereas the said article did contain less protein and fat and more fiber than declared on the labels, to wit, approximately 10.54 per cent of protein, 2.32 per cent of fat, and 16.07 per cent of fiber.

On December 3, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

11942. Misbranding of olive oil. U. S. v. Old Monk Olive Oil Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 16554. I. S. Nos. 3544-t, 3545-t, 3546-t, 3547-t, 3548-t, 13887-t, 13888-t, 13889-t.)

On July 9, 1923, the United States attorney for the Northern 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 the Old Monk Olive Oil Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about May 18, 1921, from the State of Illinois into the State of Colorado, and on or about October 21 and 27, 1921, respectively, from the State of Illinois into the State of Minnesota, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "France Old Monk * * * Trade Mark Olive Oil Virgin * * * Old Monk Olive Oil Co. New York - Chicago - Nice Net Contents One Gallon" (or "One Half Gallon" or "One Quart" or "One Pint" or "One Half Pint").

Examination of the article by the Bureau of Chemistry of this department showed that the respective-sized cans contained less than the amounts declared on the labels thereof.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents One Gallon," "Net Contents One Half Gallon," "Net Contents One Quart," "Net Contents One Pint," and "Net Contents One Half Pint," borne on the respective-sized cans containing the article, were false and misleading in that they represented that each of the said cans contained 1 gallon, 1 half gallon, 1 quart, 1 pint, or 1 half pint net, as the case might be, of the said 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 cans contained 1 gallon, 1 half gallon, 1 quart, 1 pint, or 1 half pint net, as the case might be, of the said article, whereas the said cans did not contain the amounts declared on the respective labels but did contain less amounts. 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 packages.

On November 13, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

11943. Adulteration of shell eggs. U. S. v. Benjamin G. Harrison, Harry D. Harrison, and Latham E. Harrison (Harrison Mercantile Co.) and Joseph W. Williams. Pleas of guilty. Fine, \$100. (F. & D. No. 17533. I. S. No. 7547-v.)

On September 4, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Benjamin G. Harrison, Harry D. Harrison, and Latham E. Harrison, copartners, trading as the Harrison Mercantile Co., and Joseph W. Williams, of St. Francis, Kans., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 9, 1922, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Harrison Merc. Co. St. Francis, Kans."

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 103, or 7.15 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, and spot rots.

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

On October 8, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs on the Harrison Mercantile Co. and \$50 and costs on Joseph W. Williams.

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