

12448. Misbranding of feed. U. S. v. Royal Feed & Milling Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 16573. I. S. Nos. 11977-t, 11978-t, 11980-t.)

On February 27, 1923, 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 Royal Feed & Milling Co., a corporation, organized and existing under the laws of Delaware and having a place of business at Jackson, Miss., and theretofore trading at New Orleans, La., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about October 26 and November 11, 1921, respectively, from the State of Louisiana into the State of Mississippi, of quantities of feed which was misbranded. The article was labeled variously, in part: "Brownie Horse and Mule Manufactured By Royal Feed & Milling Co., Memphis, Tenn. Jackson, Miss. New Orleans, La. Guaranteed Analysis Protein 9.00 Per Cent"; "U-Lik-A Sweet Feed Manufactured By Royal Feed & Milling Co. Memphis, Tenn. Jackson, Miss. New Orleans, La. Guaranteed Analysis Protein 9.00 Per Cent"; "Aunt Mandy Horse & Mule Manufactured By Royal Feed & Milling Co. New Orleans Protein 9.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of a sample taken from each of the three consignments of the article showed that the said samples contained 6.13 per cent, 6.83 per cent, and 7.67 per cent of protein, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein 9.00 per cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 9 per cent of protein, 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 not less than 9 per cent of protein, whereas, in truth and in fact, it did contain less than 9 per cent of protein, to wit, the three samples containing 6.13 per cent, 6.83 per cent, and 7.67 per cent, respectively.

On April 21, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12449. Adulteration and misbranding of apple jelly. U. S. v. The Stebbins Co., Inc., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 18318. I. S. No. 3368-v.)

On April 21, 1924, the United States attorney for the Southern District of Georgia, 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 Stebbins Co. (Inc.), a corporation, Savannah, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about January 20, 1923, from the State of Georgia into the State of North Carolina, of a quantity of apple jelly which was adulterated and misbranded. The article was labeled in part: (Jar) "Stebbins Apple Jelly Packed By The Stebbins Co. Inc. Savannah, Ga. 1 Lb. 4 Ozs."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was pectin jelly and not apple jelly.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, pectin jelly, 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 apple jelly, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Apple Jelly," borne on the labels attached to the jars containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of apple jelly, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of apple jelly, whereas, in truth and in fact, it did not so consist, but did consist in part of pectin jelly. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, apple jelly.

On June 10, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

HOWARD M. GORE, *Secretary of Agriculture.*

12450. Adulteration of Brazil nuts. U. S. v. 4 Barrels of Brazil nuts. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 18215. I. S. No. 6754-v. S. No. C-4232.)

On December 22, 1923, 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 praying the seizure and condemnation of 4 barrels of Brazil nuts remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Habicht Braun & Co., Chicago, Ill., on or about November 16, 1923, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Habicht Braun & Co., Chicago, Ill."

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

On June 20, 1924, the United Bakers' Supply Co., St. Louis, Mo., having appeared as claimant for the property and the matters involved having been submitted to the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*