

On September 25, 1923, an order having been entered allowing Harry Roberts to appear for all the defendants, the said Harry Roberts entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Secretary of Agriculture*.

12508. Adulteration and misbranding of jellies. U. S. v. F. P. Adams Co., Inc., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 18345. I. S. Nos. 1724-v, 1725-v, 1726-v, 1727-v.)

On March 31, 1924, the United States attorney for the District of Massachusetts, 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 F. P. Adams Co., Inc., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act, on or about October 31, 1922, from the State of Massachusetts into the State of New Hampshire, of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: (Jar) "Pure Currant and Apple" (or "Grape and Apple," or "Strawberry and Apple," or "Raspberry and Apple") "Jelly F. P. Adams Co. Inc. Boston, Mass. Net Weight 7 Ozs."

Analysis of samples of the articles by the Bureau of Chemistry of this department showed that they were currant-flavored, grape-flavored, strawberry-flavored, or raspberry-flavored glucose pectin jellies, as the case might be, artificially colored with a coal-tar dye.

Adulteration of the articles was alleged in the information for the reason that currant-flavored, grape-flavored, strawberry-flavored, or raspberry-flavored glucose pectin jellies, as the case might be, had been substituted for the said articles. Adulteration was alleged for the further reason that the articles were products inferior to pure currant and apple jelly, pure grape and apple jelly, pure strawberry and apple jelly, or pure raspberry and apple jelly, as the case might be, and were artificially colored with amaranth 107, so as to simulate the appearance of the said articles and in a manner whereby their inferiority to the said articles was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Pure Currant and Apple Jelly," "Pure Grape and Apple Jelly," "Pure Strawberry and Apple Jelly," and "Pure Raspberry and Apple Jelly," borne on the labels attached to the jars containing the respective articles, were false and misleading in that the said statements represented that the articles consisted wholly of pure fruit jellies as alleged in the labels, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of pure fruit jellies as alleged in the said labels, whereas, in truth and in fact, they did not so consist but did consist of currant-flavored, grape-flavored, strawberry-flavored, or raspberry-flavored pectin jellies, as the case might be, artificially colored. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale and sold under the distinctive names of other articles.

On April 18, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture*.

12509. Adulteration and misbranding of butter. U. S. v. Lamoille Valley Creamery Assoc., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 17420. I. S. Nos. 1643-v, 1655-v.)

On June 30, 1923, the United States attorney for the District of Vermont, 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 Lamoille Valley Creamery Assoc., a corporation, East Hardwick, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about October 23, 1922, from the State of Vermont into the State of Massachusetts, of a quantity of butter which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was deficient in butterfat and contained excessive moisture.

Adulteration of the article was alleged in the information for the reason that a substance low in butterfat and containing excessive moisture 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, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was a product low in butterfat and [which] contained excessive moisture, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, butter.

On May 27, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12510. Misbranding of flour. U. S. v. 175, More or Less, Sacks of Flour. Decree ordering release of product under bond. (F. & D. No. 17978. I. S. No. 6387-v. S. No. C-4159.)

On November 6, 1923, the United States attorney for the Eastern District of Arkansas, 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 175 sacks of flour at Pine Bluff, Ark., alleging that the article had been shipped by the Concordia Mill & Elevator Co. from Concordia, Mo., on or about October 12, 1923, and had been transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "Concordia Mill & Elevator Company * * * Concordia, Mo. * * * Bleached 24 Lbs. When Packed."

Misbranding of the article was alleged in the libel for the reason that the statement "24 Pounds," appearing on the sacks containing the said article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 5, 1924, the Concordia Mill & Elevator Co., Concordia, Mo., having appeared as claimant for the property, judgment of the court was entered, ordering 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 \$100, in conformity with section 10 of the act, conditioned in part that the article be reconditioned under the supervision of this department by the addition of sufficient flour to cover the shortage in weight.

HOWARD M. GORE, *Secretary of Agriculture.*

12511. Misbranding of cottonseed meal. U. S. v. Charles A. Alling (Greenville Cotton Oil Mill). Plea of guilty. Fine, \$75. (F. & D. No. 17936. I. S. No. 7620-v.)

On March 17, 1924, 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 Charles A. Alling, trading as Greenville Cotton Oil Mill, Greenville, Texas, alleging shipment by said defendant, in violation of the food and drugs act, on or about September 12, 1922, from the State of Texas into the State of Colorado, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Pounds (Net) 43% Protein Cottonseed Meal Prime Quality Manufactured by Greenville Cotton Oil Mill, Greenville, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 38.48 per cent protein and approximately 13.90 per cent crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43% Protein Cottonseed Meal" and "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 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 the said statements represented that the article contained not less than 43 per cent of protein and not less than 43 per cent of crude protein and not more than 12 per cent of crude 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 43 per cent of protein, not less than 43 per cent of crude protein, and not more than 12 per cent of crude fiber, whereas, in truth and in fact,