Misbranding was alleged for the reason that the statement, to wit, "Sweet Sifted Peas," borne on the labels attached to the cans containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of sweet sifted peas, 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 sweet sifted peas, whereas, in truth and in fact, it did not consist wholly of sweet sifted peas but did consist in part of early peas.

On June 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $15 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13405. Misbranding of plums and apricots. U. S. v. Ben Lomond Orchard Co. Tried to the court and a jury. Verdict of guilty. Fine, $50. (F. & D. No. 18317. I. S. Nos. 11868-v, 11869-v.)

On July 8, 1924, the United States attorney for the District of Utah, 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 Ben Lomond Orchard Co., a corporation, Ogden, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 15, 1923, from the State of Utah into the State of Colorado, of quantities of plums and apricots in baskets which were misbranded. A portion of the baskets of the apricots were labeled in part: "Vol. 1 Bu."

Misbranding was alleged in the information with respect to a portion of the apricots for the reason that the statement, to wit, "1 Bu.," borne on the baskets containing the said portion of the apricots, was false and misleading, in that the said statement represented that each of said baskets contained 1 bushel of apricots, and for the further reason that the said portion of the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said baskets contained 1 bushel of apricots, whereas each of said baskets did not contain 1 bushel of apricots but did contain a less amount. Misbranding was alleged with respect to both products for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 10, 1924, the case came on for trial before the court and a jury on an agreed statement of facts, and the jury returned a verdict of guilty, whereupon the court imposed a fine of $50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13406. Adulteration of shell eggs. U. S. v. E. Hobart Lamkin and Eugene Lamkin. Pleas of guilty. Fines, $200. (F. & D. No. 18331. I. S. Nos. 4617-v, 4619-v.)

On May 15, 1925, the grand jurors of the United States within and for the District of Indiana, 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 against E. Hobart Lamkin and Eugene Lamkin, Patriot, Ind., charging shipment by said defendants, in violation of the food and drugs act, on or about the respective dates of August 7 and 14, 1923, from the State of Indiana into the State of Ohio, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of a sample consisting of 1,080 eggs from one of the consignments showed that 78 eggs, or 7.22 per cent of those examined, were inedible, consisting of black rots, mixed rots, spot rots, and blood rings. Examination of 900 eggs from the remaining consignment showed that 97 eggs, or 10.78 per cent of those examined, were inedible, consisting of black rots, mixed rots, spot rots, blood rings, and moldy eggs.

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

On May 23, 1925, the defendants entered pleas of guilty to the indictment, and the court imposed fines of $100 against each defendant, a total of $200 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*