

November 30, 1923, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Climax Brand Cotton Seed Cake and Meal \* \* \* Analysis Protein 43% \* \* \* Crude Fiber, Not Over 12% \* \* \* Fully Guaranteed By Southland Cotton Oil Company Head Office, Paris Texas."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 39.78 per cent of crude protein and 12.9 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Cotton Seed Cake And Meal \* \* \* Analysis Protein 43% \* \* \* Crude Fiber, Not Over 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 43 per cent of protein and not more than 12 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 43 per cent of protein and not more than 12 per cent of crude fiber, whereas it contained less than 43 per cent of protein and more than 12 per cent of crude fiber.

On May 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

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

**13419. Adulteration of canned salmon. U. S. v. Hetta Packing Co. Plea of guilty. Fine, \$50. (F. & D. No. 19344. I. S. Nos. 4914-v, 19341-v, 19343-v.)**

On March 14, 1925, the United States attorney for the Western District of Washington, 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 Hetta Packing Co., a corporation, having a representative at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about September 15, 1923, from the State of Washington into the State of Kentucky, of a quantity of canned salmon which was adulterated. The article was labeled in part: "Fresh Breeze Brand Alaska Pink Salmon Packed By Hetta Packing Co., Sulzer, Alaska."

Examination by the Bureau of Chemistry of this department of 144 cans from the consignment showed 24.3 per cent of decomposed fish.

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 March 23, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**13420. Adulteration and misbranding of butter. U. S. v. John H. Stelle (McLeansboro Creamery Co.). Plea of guilty. Fine, \$50. (F. & D. No. 19348. I. S. No. 15414-v.)**

At the May, 1925, term of the United States District Court within and for the Eastern 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 John H. Stelle, trading as McLeansboro Creamery Co., McLeansboro, Ill., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 15, 1924, from the State of Illinois into the State of Massachusetts, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Gold Label Fancy Creamery Butter Guaranteed Pure McLeansboro Creamery Co. McLeansboro, Ill."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the average milk fat of 11 samples was 79.64 per cent.

Adulteration of the article was alleged in the information for the reason that a substance deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Gold Label Fancy Creamery Butter," borne on the cartons containing the article, was false and misleading, in that the said statement represented that the article was butter, a product containing not less than 80 per cent by weight of

milk fat, as defined and prescribed by the act of March 4, 1923, 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 butter, to wit, a product containing not less than 80 per cent by weight of milk fat, whereas it was not butter, in that it contained less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

On May 19, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

**13421. Adulteration and misbranding of canned tomatoes. U. S. v. 1,000 Cases, et al., of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19430, 19431. I. S. No. 3730-v. S. No. E-5072.)**

On or about January 2 and 7, 1925, respectively, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,200 cases of canned tomatoes, remaining unsold in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the H. J. McGrath Co., from Baltimore, Md., on or about October 7, 1924, and transported from the State of Maryland into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tomatoes \* \* \* Packed by The H. J. McGrath Co. Baltimore, Md. U. S. A."

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

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 10, 1925, the H. J. McGrath Co., Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libels, judgment of condemnation and forfeiture was entered, and it was ordered by the court 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 \$5,000, in conformity with section 10 of the act, conditioned in part that it be correctly and accurately relabeled.

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

**13422. Adulteration and misbranding of tomato sauce. U. S. v. 195 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19444. I. S. No. 13389-v. S. No. E-5079.)**

On December 31, 1924, the United States attorney for the Eastern 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 praying the seizure and condemnation of 195 cases of tomato sauce, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Hershel California Trust (Fruit) Products Co., from San Francisco, Calif., October 20, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Patria Brand Tomato Sauce Made From Choice Tomatoes."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste, or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared upon the label.

On May 8, 1925, the Hershel California Fruit Products Co. having appeared as claimant for the property and 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 claimant upon payment