

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 consisted of selected tomatoes of extra quality, whereas it did not but did consist of a product composed in part of added water, added puree, pulp and juice from skins and cores.

On April 20, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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

13488. Adulteration and misbranding of Jungle-Grape concentrate, Concord flavor. U. S. v. 11 Gallons, et al., of Jungle-Grape Concentrate, Concord Flavor. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20044, 20045. I. S. Nos. 23319-v, 23320-v. S. Nos. W-1696, W-1697.)

On April 25, 1925, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 19 gallons, 32 half-gallons, and 73 quarts of Jungle-Grape concentrate, Concord flavor, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Jungle-Grape Products Co., from Salt Lake City, Utah, in various consignments, namely, on or about February 16 and 17 and March 31, 1925, respectively, and transported from the State of Utah into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Concentrate Jungle-Grape Concord Flavor. Manufactured By Jungle-Grape Products Co. Salt Lake City, Utah."

Adulteration of the article was alleged in the libels for the reason that a substance, an artificially flavored and artificially colored imitation grape flavor, had been substituted wholly or in part for normal grape flavor of good commercial quality, and for the further reason that it was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Concentrate Jungle-Grape Concord Flavor," "Jungle-Grape Products Co.," "Jungle-Grape Syrup," and "When two ounces of concentrate is added to one quart of simple syrup, the mixture will contain one-tenth of 1% Benzoate of Soda," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On July 8, 1925, the Jungle-Grape Products Co., Salt Lake City, Utah, having appeared as claimant for the property and having consented to the entry of a decree, judgments of condemnation and forfeiture were 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 good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that it not be disposed of until relabeled in a manner satisfactory to this department.

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

13489. Misbranding of cottonseed meal. U. S. v. F. W. Brode Corp. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16853. I. S. No. 11719-t.)

On March 26, 1923, the United States attorney for the Western District of Tennessee, 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. W. Brode Corp., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about December 6, 1921, from the State of Tennessee into the State of Kentucky, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Lone Star Brand High Grade Cotton Seed Meal Made By F. W. Brode Corporation, Memphis, Tenn. Guaranteed Analysis Protein 43.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 39.6 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 43.00 Per Cent," borne on the tags attached to the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 43 per cent of protein, 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, whereas it did con-

tain less than 43 per cent of protein, to wit, approximately 39.6 per cent of protein.

On June 21, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

13490. Adulteration and misbranding of canned corn. U. S. v. 740 Cases of Canned Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20072. I. S. No. 15654-v. S. No. E-5204.)

On May 19, 1925, the United States attorney for the Western District of Pennsylvania, 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 740 cases of canned corn, at Pittsburgh, Pa., alleging that the article had been shipped by the London Canning Co., from London, Ohio, on or about October 19, 1924, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Deer Creek Brand Sugar Corn * * * Packed By London Canning Company London, Ohio."

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

Misbranding was alleged for the reason that the statement "Sugar Corn," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On June 18, 1925, F. A. Fishbaugh, trading as the London Canning Co., London, Ohio, having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, 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 \$2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

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

13491. Adulteration of canned cherries. U. S. v. 250 Cases of Pitted Cherries. Decree entered, ordering product released under bond to be salvaged. (F. & D. No. 19570. I. S. No. 14033-v. S. No. E-5127.)

On February 9, 1925, the United States attorney for the Eastern District of Pennsylvania, 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 250 cases of pitted cherries, remaining in the original unbroken packages at Reading, Pa., consigned by the Egypt Canning Co., from Fairport, N. Y., alleging that the article had been shipped from Fairport, N. Y., on or about October 21, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pride Of Egypt Brand Red Sour Pitted Cherries * * * Guaranteed And Distributed By Egypt Canning Co., Inc. Egypt, N. Y."

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

On March 4, 1925, the Egypt Canning Co., Egypt, N. Y., 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be re-sorted, salvaged, repacked, and the bad portion destroyed, and that it not be sold until inspected and passed by a representative of this department.

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

13492. Misbranding of cottonseed cake. U. S. v. 150 Sacks of Cottonseed Cake. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19930. I. S. No. 23099-v. S. No. C-4687.)

On March 27, 1925, 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 a libel praying the seizure and condemna-