

15676. Adulteration and misbranding of feed. U. S. v. International Sugar Feed No. Two Co. Plea of guilty. Fine, \$300 and costs. (F. & D. No. 22519. I. S. Nos. 8532-x, 8533-x.)

On October 3, 1927, 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 International Sugar Feed No. Two Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about April 17, 1926, and May 5, 1926, from the State of Tennessee into the State of Kentucky, of quantities of hog feed and dairy feed, respectively, which were adulterated and misbranded. The articles were labeled in part, respectively: (Tags) "International Makmeat Hog Feed Made By International Sugar Feed No. Two Co., Memphis, Tenn. Guaranteed Analysis Protein 15.00 per cent * * * Made From: Digester Tankage, Linseed Oil Meal, Red Dog Flour, Corn Gluten Feed, Wheat Bran, Wheat Shorts, Rice Bran, Corn Feed Meal, 25% Ground and Bolted Wheat Screenings containing 10% Weed Seeds, Salt $\frac{1}{2}\%$," and "International Special Dairy Feed Made By International Sugar Feed No. Two Co., Memphis, Tenn. Guaranteed Analysis: Protein 15.00 per cent * * * Made From: Cottonseed Meal, Clipped Oat By-Product 15%, 35% Ground and Bolted, Wheat Screenings containing 10% Weed Seeds, Molasses, Linseed Oil Meal, Corn Gluten Feed, Wheat Bran, Salt $\frac{1}{2}\%$."

It was alleged in the information that the said "Makmeat" hog feed was adulterated in that a feed containing less than 15 per cent of protein and containing little, if any, red dog flour and corn gluten feed and containing only a trace of linseed oil meal had been substituted for the above-described article, which it purported to be. Adulteration of the "International Special" dairy feed was alleged for the reason that a feed containing less than 15 per cent of protein and containing no corn gluten feed and containing undeclared substances, to wit, rice bran and corn feed meal, had been substituted for the above-described article, which it purported to be.

Misbranding of the said hog feed was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 15.00 per cent * * * Made From: * * * Linseed Oil Meal, Red Dog Flour, Corn Gluten Feed," borne on the label, were false and misleading in that they represented that the article contained 15 per cent of protein and contained a substantial amount of linseed oil meal, red dog flour, and corn gluten feed, 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 15 per cent of protein and contained a substantial amount of linseed oil meal, red dog flour, and corn gluten feed, whereas it contained less than 15 per cent of the protein and contained only a trace of linseed oil meal and little, if any, red dog flour and corn gluten feed. Misbranding of the said dairy feed was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 15.00 per cent * * * Made From: Corn Gluten Feed," borne on the label, were false and misleading in that they represented that the article contained 15 per cent of protein and contained corn gluten feed, whereas the article contained less than 15 per cent of protein and did not contain corn gluten feed; for the further reason that the said statements were borne on the label so as to deceive and mislead the purchaser into the belief that the article contained 15 per cent of protein, and contained corn gluten feed and contained no rice bran and corn feed meal, whereas the article contained less than 15 per cent of protein and did not contain corn gluten feed and did contain rice bran and corn feed meal; and for the further reason that the said statements borne on the tags attached to the sacks containing the article were false and misleading in that they did not include rice bran and corn feed meal, which were present in the article.

On April 2, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

15677. Adulteration of canned cherries. U. S. v. 37 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22096. I. S. No. 16313-x. S. No. 137.)

On or about October 19, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 37 cases of cherries at Richmond, Va., alleging that the article had been shipped by the Holley Canning Co., Holley, N. Y.,

August 9, 1927, and transported from the State of New York into the State of Virginia, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 2, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15678. Misbranding and alleged adulteration of vinegar. U. S. v. 14% Cases of Vinegar. Decree of condemnation entered. Product released under bond. (F. & D. No. 22430. I. S. No. 19911-x. S. No. 516.)

On February 8, 1928, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14% cases of vinegar at Springfield, Ill., alleging that the article had been shipped from the David G. Evans Coffee Co., St. Louis, Mo., on or about January 11, 1928, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Evans Anchor Brand Reduced Apple Vinegar 40 Grain One Pint Packed by David G. Evans Coffee Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that an acid product other than apple vinegar and a substance high in sulphates had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statement "Reduced Apple Vinegar" was 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 March 16, 1928, the National Vinegar Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered finding the product misbranded and ordering its condemnation, and it was further 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 \$150, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15679. Misbranding and alleged adulteration of vinegar. U. S. v. 30 Cases of Vinegar. Decree of condemnation entered. Product released under bond. (F. & D. No. 22451. I. S. No. 19916-x. S. No. 518.)

On or about February 11, 1928, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 cases of vinegar at Springfield, Ill., alleging that the article had been shipped from the Evans-Rich Mfg. Co., St. Louis, Mo., on or about November 2, 1927, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Triangle Brand One Pint Reduced Cider Vinegar Evans-Rich Mfg. Co., St. Louis, Mo. Distributors."

It was alleged in the libel that the article was adulterated in that a vinegar made from evaporated apple product had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statement on the bottle label, "Reduced Cider Vinegar," 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 March 16, 1928, the National Vinegar Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered finding the product misbranded and ordering its condemnation, and it was further 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 \$250, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*