

per cent of fat, and more than 10 per cent of fiber, to wit, approximately 19.43 per cent of protein, approximately 4.12 per cent of fat, and 10.19 per cent of fiber. Misbranding of the Jersey brand scratch feed was alleged for the reason that the statement, to wit, "Analysis Protein 10%," borne on the sacks containing the article, was false and misleading in that the said statement represented that the article contained not less than 10 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 10 per cent of protein, whereas it did contain less than 10 per cent of protein, to wit, approximately 9.2 per cent of protein. Misbranding of the said Jersey dairy feed was alleged for the reason that the statements, to wit, "Ingredients Wheat Bran, Ground Corn, Corn Gluten Feed, Cotton Seed Meal, Oil Meal, Reground Oats, Feed, Salt" and "Analysis Protein 16% * * * Fiber 12%," borne on the sacks containing the article, were false and misleading in that the said statements represented that the article consisted wholly of wheat bran, ground corn, corn gluten feed, cottonseed meal, oil meal, reground oats, feed, and salt, and contained not less than 16 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 consisted wholly of wheat bran, ground corn, corn gluten feed, cottonseed meal, oil meal, reground oats, feed, and salt, and contained not less than 16 per cent of protein and not more than 12 per cent of fiber, whereas the said article did not consist wholly of the said declared ingredients, but a portion of said article consisted of a product deficient in wheat bran and oil meal and which contained an undeclared flax by-product and which contained less than 16 per cent of protein, to wit, approximately 13.99 per cent of protein, and which contained more than 12 per cent of fiber, to wit, approximately 14.09 per cent of fiber, and the remainder of said article consisted of a product deficient in wheat bran, corn gluten feed, and oil meal, which contained less than 16 per cent of protein, to wit, approximately 12.81 per cent of protein, and which contained more than 12 per cent of fiber, to wit, approximately 13.42 per cent of fiber.

On May 14, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16617. **Adulteration and misbranding of olive oil.** U. S. v. 34 Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23592, 23647. I. S. Nos. 013126, 03489, 03440. S. Nos. 1837, 1859.)

On April 6 and April 20, 1929, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 7 gallon cans, 18 half-gallon cans, and 34 quart cans of olive oil, remaining in the original unbroken packages at Frostburg, Md., alleging that the article had been shipped by the Mesic Packing & Provision Co., from Clarksburg, W. Va., in part on or about December 4, 1928, and in part on or about January 2, 1929, and transported from the State of West Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in substance in the libels that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in part for olive oil.

Misbranding was alleged with respect to the quart cans of the article for the reason that the following statements and designs, borne on the label, "Extra Fine Olive Oil Olio d'Oliva Purissimo Importato Italia Brand * * * Quest Olio Di Oliva Risulta Assolutamente Puro Sotto Analisi Chimica Un-excelled for Table or Medicinal Use (design of crown and coat of arms)" were false and misleading and deceived and misled the purchaser, and for the further reason that the article was falsely branded as to the country in which it was manufactured or produced, in that it purported to be a foreign product when it was not a foreign product but was manufactured or produced in the United States. Misbranding was alleged with respect to the gallon and half-gallon cans of the article for the reason that the statements, designs, or devices, borne on the labels, "Extra Fine Olive Oil Olio d'Oliva Purissimo Importato (cut of crown, coat of arms, and olive branches) Italia Brand * * * 1 Gal.

ton Net," and "½ Gallon Net," "Quest Olio di oliva Risulta Assolutamente Puro Sotto Analisi Chimica," "Unexcelled for Table or Medicinal Use," were false and misleading and deceived and misled the purchaser; for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, and the statements made were not correct; for the further reason that the article purported to be a foreign product when not so; and for the further reason that it was offered for sale under the distinctive name of another article.

On June 11, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16618. Adulteration and misbranding of chocolate coatings. U. S. v. Runkel Bros. (Inc.). Plea of guilty. Fine, \$250. (F. & D. No. 23709. I. S. Nos. 15803-x, 15804-x, 16334-x, 16359-x, 16364-x, 20073-x, 21450-x, 22024-x, 22025-x, 22027-x.)

On May 6, 1929, the United States attorney for the Southern 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 an information against Runkel Bros. (Inc.), a corporation, New York, N. Y., alleging shipment by said company, between the dates of October 20, 1927, and February 29, 1928, from the State of New York, in various lots into the States of Ohio, Maryland, Pennsylvania, Connecticut, and Colorado, respectively, of quantities of chocolate coatings, which were adulterated and misbranded. The articles were labeled, variously: (Packages) "1912 Bitter Covering;" "Runkel's Peary Chocolate Sweet 10 Lbs.;" "Runkel's Pet Milk Chocolate Sweet 10 Lbs.;" "Runkel's Yukon E. T. Chocolate Sweet 10 Lbs.;" "Runkel's None-Such Chocolate Sweet 10 Lbs.;" "Runkel's Duplex Chocolate Sweet 10 Lbs.;" and "Runkel's Starlight Chocolate Sweet, 10 Lbs."

It was alleged in the information that the articles were adulterated in that products other than bitter covering, chocolate sweet, or milk chocolate sweet, as the case might be, had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength of the said articles, and had been substituted in part for bitter covering, chocolate sweet, or milk chocolate sweet, which the articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Bitter Covering," "Chocolate Sweet," and "Milk Chocolate Sweet," borne on the respective labels, were false and misleading in that the said statements represented that the alleged bitter covering was bitter covering, and that the remainder of the said products consisted wholly of chocolate sweet, or milk chocolate sweet, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that a portion thereof was bitter covering and that the remainder thereof consisted wholly of chocolate sweet or milk chocolate sweet, whereas the said articles consisted in part of products other than bitter sweet, chocolate sweet, and milk chocolate sweet, respectively. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On June 10, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16619. Adulteration and misbranding of butter. U. S. v. 28 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23886. I. S. No. 03909. S. No. 2059.)

On June 26, 1929, 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 seizure and condemnation of 28 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the David Cole Creamery Co., Omaha, Nebr., alleging that the article had been shipped from Omaha, Nebr., on or about June 20, 1929, and transported from the State of Nebraska into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted