

November 22, 1930, from Illinois into Minnesota. A portion of the article was labeled in part: "Miss Cairo Brand * * * Manufactured by Cairo Meal & Cake Company, Cairo, Illinois." The labels of the product also bore statements relative to the protein content of the article as hereinafter set forth.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43% Cotton Seed Meal * * * Guaranteed Analysis Protein, not less than 43.00%," with respect to a portion of the article; the statements "Guaranteed Analysis * * * 43% Prime Cotton Seed Meal * * * Protein (Min.) 43.00% * * * 43 Per Cent Cottonseed Meal * * * Guaranteed analysis Crude Protein, not less than 43 per cent," with respect to a portion; and "43% Protein Cottonseed Meal or Cake * * * Guaranteed Analysis Crude Protein, not less than 43.0%," with respect to the remainder, borne on the tags attached to the sacks containing the respective lots, were false and misleading; and for the further reason that the article was so labeled as to deceive and mislead the purchaser, since the said statements represented that the article had a protein content of 43 per cent; whereas it had a protein content of less than 43 per cent.

On October 20, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19431. Misbranding of cottonseed meal and cottonseed screenings. U. S. v. The Union Oil Mill (Inc.). Plea of guilty. Sentence suspended.
(F. & D. No. 26533. I. S. Nos. 012358, 18302, 18303, 18304, 18305.)

This action was based on the interstate shipment of 3 lots of cottonseed meal, 1 lot of cottonseed screenings, and 1 lot of cottonseed-cake screenings. One lot of the cottonseed meal was found to be short weight. In the remaining products, involving 4 lots, the percentage of protein was found to be below the 43 per cent claimed in the respective labels, the 4 samples analyzed having been found to contain 40.81, 40.13, 40.56, and 40.81 per cent, respectively, of protein.

On October 5, 1931, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Union Oil Mill (Inc.), a corporation, West Monroe, La., alleging shipment by said defendant, in violation of the food and drugs act as amended, of quantities of cottonseed meal, cottonseed screenings, and cottonseed-cake screenings, that were misbranded. The information charged that the articles had been shipped on or about June 13 and April 29, 1930, from Louisiana into Kansas; and on or about February 24, 1930, from Louisiana into Texas. The articles were labeled in part, variously: "Interstate Brand 43% Protein Cotton Seed Cake and Meal * * * Guaranteed Analysis * * * Protein, not less than 43% * * * Made for Interstate Feed Company, Fort Worth, Texas;" "Chickasha Prime * * * Guaranteed Analysis Protein, not less than 43% * * * Manufactured by or for Chickasha Cotton Oil Company Chickasha, Oklahoma;" "Army Brand * * * 100 Pounds Net * * * Manufactured for and guaranteed by Louis Tobian & Co. Dallas, Texas."

Misbranding was alleged in the information for the reason that the statements, borne on the tags attached to the sacks containing the articles, to wit, "43% Protein Cottonseed Cake and Meal * * * Guaranteed Analysis * * * Protein, not less than 43%," with respect to one lot of the cottonseed meal and the lot of cottonseed screenings, and the statements, "Guaranteed Analysis: Protein, not less than 43%," with respect to one lot of the cottonseed meal and the lot of cottonseed-cake screenings, were false and misleading; and for the further reason that the articles were so labeled as to deceive and mislead the purchaser, since the said statements represented that the articles had a protein content of 43 per cent; whereas they had a protein content of less than 43 per cent. Misbranding was alleged with respect to one lot of the cottonseed meal for the reason that the statement "100 Pounds Net," borne on the tags attached to the sacks containing the article, was false and misleading; and for the further reason that the article was so labeled as to deceive and mislead the purchaser, since the said statements represented that the sacks each contained 100 pounds of the article; whereas they did not, but did contain a less amount. Misbranding was alleged with respect to the said lot of cottonseed meal in which the sacks were labeled as containing 100 pounds of the article 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, since the sacks contained less than represented.

On October 7, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered that the imposition of sentence be suspended.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19432. Misbranding of oysters. U. S. v. Frank D. Neubert, Leo Neubert, and Charles A. Neubert (Castle Packing Co.). Plea of nolo contendere. Fines, \$30 and costs. (F. & D. No. 26544. I. S. Nos. 8821, 8824, 13446, 13502.)

This action involved the interstate shipment of quantities of oysters in cans which were represented to contain 1 gallon of the article, but which were found to contain less than so represented.

On July 24, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Frank D. Neubert, Leo Neubert, and Charles A. Neubert, a copartnership trading as the Castle Packing Co., Baltimore, Md., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, between November 18 and November 22, 1930, from the State of Maryland into the States of Pennsylvania, Indiana, and Kentucky, of quantities of oysters that were misbranded. The article was labeled in part: "Extra Selects [or "Extra Standards"] Castle Packing Co., Baltimore, Md. Minimum Volume 1 gallon."

It was alleged in the information that the article was misbranded in that the statement "Minimum Volume 1 Gallon" was false and misleading; and for the further reason that the article was so labeled as to deceive and mislead the purchaser, in that the said statement represented that the cans each contained 1 gallon of oysters; whereas they did not, but did contain a less amount. Misbranding was alleged 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 package, since the cans contained less than represented.

On September 8, 1931, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$10 and costs against each defendant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19433. Adulteration of tomato catsup. U. S. v. Earle M. Rush (Rush Canning Co.). Plea of guilty. Fine, \$10. (F. & D. No. 26596. I. S. Nos. 14253, 19667.)

This action involved the interstate shipment of quantities of tomato catsup which was found to contain excessive mold.

On August 22, 1931, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Earle M. Rush, trading as the Rush Canning Co., Bentonville, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about September 19, 1930, from the State of Arkansas into the State of Texas, and on or about October 8, 1930, from the State of Arkansas into the State of Kansas, of quantities of tomato catsup that was adulterated. The article was labeled in part: "Queen's Taste Brand Catsup * * * Packed by Rush Canning Co., Principal Office, Washburn, Mo."

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

On September 1, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19434. Adulteration of apples. U. S. v. 121 Baskets, et al., of Apples. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27078, 27082. I. S. Nos. 45252, 45254. S. Nos. 5325, 5326.)

Lead and arsenic having been found on samples of apples taken from the shipments herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On October 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 222 baskets of apples at Davenport, Iowa, alleging that the article had been shipped by G. F. Cadwell & Son, in part on or about September 17,