

24193. Misbranding of canned black-eyed peas and canned red beans. U. S. v. Thrift Packing Co. Plea of guilty. Fine, \$25. (F. & D. no. 31430. Sample nos. 2243-A, 2244-A.)

This case was based on interstate shipments of canned black-eyed peas and canned red beans which were found to be short weight.

On January 3, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Thrift Packing Co., a corporation, Fort Worth, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 25, 1932, from the State of Texas into the State of New Mexico of quantities of canned black-eyed peas and canned red beans which were misbranded. The articles were labeled: "Blue & White Brand Contents 1 Pound * * * Black-Eyed Peas [or "Red Beans"] * * * Red & White Corp'n Distributors * * * Buffalo, N. Y."

The articles were alleged to be misbranded in that the statement "Contents 1 Pound", borne on the label, was false and misleading, and for the further reason that they were labeled so as to deceive and mislead the purchaser, since the cans contained less than 1 pound.

On January 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

M. L. Wilson, Acting Secretary of Agriculture.

24194. Misbranding of olive oil. U. S. v. Mallars & Co. Plea of guilty. Fine, \$50. (F. & D. no. 31431. Sample nos. 36106-A, 36110-A.)

This case was based on an interstate shipment of olive oil which was found to be short volume.

On May 22, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mallars & Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 28, 1933, from the State of Illinois into the State of Utah, of a quantity of olive oil which was misbranded. The article was labeled in part: "Contents 1 Gallon Athlete Brand Pure Olive Oil * * * Mallars & Company Chicago."

The article was alleged to be misbranded in that the statement "Contents 1 Gallon", borne on the can label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since the cans contained less than 1 gallon. 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.

On January 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

M. L. Wilson, Acting Secretary of Agriculture.

24195. Misbranding of cottonseed meal. U. S. v. Cairo Meal & Cake Co. Plea of guilty. Fine, \$75. (F. & D. no. 31432. Sample nos. 14143-A, 16970-A, 18930-A.)

This case was based on interstate shipments of cottonseed meal which contained less crude protein than declared on the label, and a portion of which contained more crude fiber than declared.

On May 10, 1934, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cairo Meal & Cake Co., a corporation, Cairo, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 22, 1932, and July 13, 1933, from the State of Illinois into the State of Missouri, and on or about November 7, 1933, from the State of Illinois into the State of Maryland, of quantities of cottonseed meal which was misbranded. Portions of the article were labeled: "Miss Cairo Brand * * * 43 Per Cent Protein Cottonseed Meal Prime Quality Manufactured by Cairo Meal & Cake Company Cairo, Illinois. Guaranteed Analysis Crude Protein not less than 43 per cent * * * Crude Fibre not more than 10 per cent." The remainder of the article was labeled: "Guaranteed Analysis Protein (Min.) 43.00% Monarch Brand Cotton Seed Meal 43% Protein Ashcraft-Wilkinson Co. Atlanta, Ga."

The article was alleged to be misbranded in that the following statements on the labels, namely, "43 Per Cent Protein Cottonseed Meal", "Guaranteed

Analysis Crude Protein, not less than 43 Per Cent", and "Crude Fibre, not more than 10 per cent", with respect to a portion of the article; the statements "43 Per Cent Protein Cottonseed Meal", and "Guaranteed Analysis Crude Protein, not less than 43 per cent", with respect to a portion; and the statement "Guaranteed Analysis Protein (Min.) 43.00%", with respect to a portion, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less crude protein than declared on the label and a portion of the article contained more fiber than so declared.

On October 8, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

24196. Misbranding of canned cut green beans and canned pork and beans. U. S. v. The Smith Canning Co. Plea of guilty. Fine, \$28. (F. & D. no. 31497. Sample nos. 41940-A, 42028-A.)

This case was based on interstate shipments of short-weight canned goods.

On December 3, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Smith Canning Co., a corporation, Clearfield, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 4, 1933, from the State of Utah into the State of Idaho, of a quantity of canned cut green beans which were misbranded. The information further charged that the defendant company on or about August 1, 1932, sold and delivered to the Western States Grocery Co., Salt Lake City, Utah, under a guaranty that the product was not misbranded in violation of the Food and Drugs Act, a quantity of canned pork and beans; that on April 27, 1933, a quantity of the said pork and beans in the identical condition as when so sold and delivered, was shipped in interstate commerce from the State of Utah into the State of Wyoming, by the Western States Grocery Co.; and that the article was misbranded in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Smith Brand Fancy Cut Green Beans Net Contents 11 Ozs. [or "Dinnerette Brand Pork and Beans * * * Contents 16 Ozs.]" Smith Canning Co. Clearfield, Utah."

The articles were alleged to be misbranded in that the statements "Contents 11 Ozs.", with respect to the canned cut green beans, and "Contents 16 Ozs.", with respect to the canned pork and beans, borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the cans contained less than so declared. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$28.

M. L. WILSON, *Acting Secretary of Agriculture.*

24197. Adulteration and misbranding of butter. U. S. v. The Cudahy Packing Company of Nebraska. Plea of guilty. Fine, \$27. (F. & D. no. 31526. Sample no. 23139-A.)

This case was based on an interstate shipment of butter that was deficient in milk fat and short weight.

On September 15, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cudahy Packing Company of Nebraska, a corporation, trading at Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 9, 1933, from the State of Utah into the State of Nevada of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Sunlight Pasteurized Creamery Butter One Pound Net Sunlight The Cudahy Packing Co. General Offices Chicago Distributors."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.