

On January 30, 1922, the case having been submitted to the court upon an agreed statement of fact, without a jury, the defendant company was adjudged guilty by the court as charged in the information, and a fine of \$100 was imposed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10448. Adulteration of oysters. U. S. \* \* \* v. Richard W. Claxton. Collateral of \$50 forfeited.** (F. & D. No. 14995. I. S. Nos. 8713-t, 8818-t, 8819-t.)

On or about February 21, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Richard W. Claxton, Washington, D. C., alleging that on January 11 and 27, 1921, respectively, the said defendant did offer for sale and sell at the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On February 21, 1922, the defendant having failed to enter an appearance, the \$50 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10449. Adulteration of shell eggs. U. S. \* \* \* v. Farmers Supply Co., a Corporation. Plea of guilty. Fine, \$25.** (F. & D. No. 13899. I. S. No. 447-t.)

On April 25, 1921, the United States attorney for the Northern District of Texas, 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 Farmers Supply Co., a corporation, O'Brien, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 29, 1920, from the State of Texas into the State of Oklahoma, of a quantity of an article of food, to wit, shell eggs, which was adulterated.

Examination of a sample of the article, consisting of 360 eggs, by the Bureau of Chemistry of this department, showed the presence of 37 mixed or white rots and 2 blood rings, a total of 39, or 10.8 per cent, inedible eggs.

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

On September 27, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10450. Adulteration and misbranding of evaporated milk. U. S. \* \* \* v. Kahoka Evaporated Milk Co., a Corporation. Plea of nolo contendere. Fine, \$150 and costs.** (F. & D. No. 9896. I. S. Nos. 8004-p, 12135-p, 12137-p.)

On February 5, 1921, the United States attorney for the Eastern District of Missouri, 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 Kahoka Evaporated Milk Co., a corporation, Kahoka, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 14, April 1, and March 5, 1918, respectively, from the State of Missouri into the State of Iowa, of quantities of evaporated milk which was adulterated and a portion of which was adulterated and misbranded. The article was labeled in part: "Kahoka Brand Evaporated Milk \* \* \* Kahoka Evaporated Milk Co."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was low in total solids and fat. Examination of the article by the said bureau showed that the product involved in the consignments

of February 14, 1918, labeled "Average Net Weight 6 $\frac{3}{8}$  Oz.," and April 1, 1918, labeled "Average Net Weight 6 $\frac{3}{8}$  Oz.," was short weight.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, an insufficiently condensed milk product low in fat and total solids, had been substituted in whole or in part for evaporated milk, which the article purported to be.

Misbranding was alleged with respect to the article involved in the consignments of February 14 and April 1 for the reason that the statement, to wit, "Evaporated Milk," borne on the labels attached to the cans containing the said article, and the statement, to wit, "Average Net Weight 6 $\frac{3}{8}$  Oz.," borne on the labels attached to a part of the said cans, and the statement, to wit, "Average Net Weight 6 $\frac{3}{8}$  Oz.," borne on the labels attached to the remainder of the said cans, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article consisted wholly of evaporated milk and that a part of the said cans each contained 6 $\frac{3}{8}$  ounces net of the article, and the remainder each contained 6 $\frac{3}{8}$  ounces net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article consisted wholly of evaporated milk, and that each of the said cans contained 6 $\frac{3}{8}$  ounces net or 6 $\frac{3}{8}$  ounces net of the article, as the case might be, whereas, in truth and in fact, the article did not consist wholly of evaporated milk, but did consist in whole or in part of an insufficiently condensed milk product low in fat and total solids, and the said cans did not contain 6 $\frac{3}{8}$  ounces net or 6 $\frac{3}{8}$  ounces net of the article, as the case might be, but did contain a less amount. Misbranding was alleged with respect to the product involved in the above-named consignments for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 22, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*