On August 24, 1923, 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 sold by the United States marshal, after obliterating the statements as to the net contents of the respective-sized cans.

HOWARD M. GORE, *Secretary of Agriculture.*

12548. Misbranding of olive oil. U. S. v. 4 Cases and 23 Cans of Olive Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 17152, 17263. I. S. Nos. 284–v, 2622–v. S. Nos. E–4280, E–4287.)

On January 16 and 22, 1923, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 4 cases and 23 cans of olive oil remaining in the original unbroken packages in part at Scranton, Pa., and in part at Pittston, Pa., alleging that the article had been shipped by B. J. Spiropoulos, from New York, N. Y., the former on or about September 27, 1922, and the latter on or about November 28, 1922, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Imported Pure Olive Oil Olio d'Oliva Importato Marca Irredenta Net contents 1 Gal. (or "Net Contents ½ Gal.") B. J. Spiropoulos N. Y. Importer Packer."

Misbranding of the article was alleged in the libels for the reason that the statements, to wit, "Net Contents 1 Gal." and "Net Contents ½ Gal.," borne on the respective-sized cans containing the said article, were false and misleading and deceived and misled the purchaser in that the said cans contained less than 1 gallon, or less than ½ gallon of the article, as the case might be. 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 packages.

On August 24, 1923, 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 sold by the United States marshal, after obliterating the respective statements as to the net contents.

HOWARD M. GORE, *Secretary of Agriculture.*

12549. Adulteration of canned sardines. U. S. v. 49 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17104. I. S. No. 2607–v. S. No. E–4257.)

On January 4, 1923, the United States attorney for the Middle 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 the seizure and condemnation of 49 cases of sardines remaining in the original unbroken packages at Shamokin, Pa., alleging that the article had been shipped by the Columbian Canning Co. from Lubec, Me., on or about October 28, 1922, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Columbian Brand American Sardines in Cottonseed Oil Packed at Lubec, Wash'n Co. Me. By Columbian Canning Co."

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

On August 27, 1923, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12550. Misbranding of tankage. U. S. v. Albert F. Rees. Plea of guilty. Fine, $50. (F. & D. No. 17611. I. S. Nos. 1362–v, 1363–v.)

On October 16, 1923, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert F. Rees, Hanover, Pa., alleging shipment by said defendant, under the name of W. M. Roland, on or about January 10, 1923, from the State of Pennsylvania into the State of Virginia, and on or about January 23, 1923, from the State of Pennsylvania into the State of West Virginia, of

quantities of tankage which was misbranded. The article was labeled in part: (Sack) "100 Lbs. Rees' Pure High Protein Tankage Protein 49.25%."

Analysis by the Bureau of Chemistry of this department of a sample taken from each of the consignments showed that the article contained approximately 43.93 per cent and 44.85 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein 49.25%," borne on the sacks containing the said article, was false and misleading in that the said statement represented that the article contained not less than 49.25 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 49.25 per cent of protein, whereas, in truth and in fact, it did contain less than 49.25 per cent of protein, the consignments containing approximately 43.93 per cent and 44.85 per cent of protein, respectively.

On October 16, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

HOWARD M. GORE, *Secretary of Agriculture.*