

District Court of the United States for said district an information against the Darter Butter Co., a corporation, Bristol, Va., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about August 17 and 18, 1923, respectively, from the State of Virginia into the State of Tennessee, of quantities of butter which was misbranded. The article was labeled in part: "Lily Butter Darter Butter Co. Bristol, Va.-Tenn. Pasteurized One Pound Net."

Weighings by the Bureau of Chemistry of this department of 45, 24, and 23 samples from the different consignments showed averages of 14.85 ounces, 14.90 ounces, and 14.94 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the said article, was false and misleading, in that the said statement represented that the packages each contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound net of butter, 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.

On April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13306. Adulteration and misbranding of evaporated apples. U. S. v. 17 Cases, et al., of Evaporated Apples. Decrees of condemnation. Product released under bond. (F. & D. Nos. 19899, 19913. I. S. Nos. 13900-v, 13927-v, 13928-v, 14228-v. S. Nos. E-5169, E-5187.)

On March 14 and 20, 1925, respectively, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 60 cases and 37 boxes of evaporated apples, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by E. B. Holton, from Webster, N. Y., in part November 25, 1924, and in part January 17, 1925, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, variously, in part: "Holton Brand Fancy Evaporated Apples Packed By E. B. Holton, Manufacturer and Packer Of Evaporated Fruits, Webster, N. Y.," "Holton Brand Fancy Wood Dried Evaporated Ring Apples," or "Daisie Brand Choice Evaporated Ring Apples Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Evaporated Ring Apples," "Evaporated Apples," and "Evaporated Fruits," as the case might be, appearing in the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 15, 1925, E. B. Holton, Webster, N. Y., having entered an appearance as claimant for the property and having filed satisfactory bonds in conformity with section 10 of the act, judgments of condemnation were entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13307. Adulteration of canned salmon. U. S. v. Kuiu Island Warehouse Co. and Beauclaire Packing Co. Plea of guilty. Fine, \$50. (F. & D. No. 19280. I. S. No. 12068-v.)

On February 17, 1925, the United States attorney for the Western District of Washington, 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 Kuiu Island Warehouse Co., a corporation, having a representative at Seattle, Wash., and the Beauclaire Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said companies, in violation of the food and drugs act, on or about September 22, 1923, from the Territory of Alaska

into the State of Washington, of a quantity of canned salmon which was adulterated. The article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclerc, Alaska."

Examination by the Bureau of Chemistry of this department of 576 cans taken from the consignment showed that 63 cans, or 10.9 per cent, were decomposed.

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

On April 6, 1925, a plea of guilty to the information was entered on behalf of the defendant companies, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13308. Misbranding of canned corn. U. S. v. 200 Cases of Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19916. I. S. No. 15619-v. S. No. E-3949.)

On March 20, 1925, the United States attorney for the Western 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 a libel praying the seizure and condemnation of 200 cases of corn, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the New Vienna Canning Co., New Vienna, Ohio, alleging that the article had been shipped by the * * * Canning Co., from New Vienna, Ohio, November 28, 1924, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Nun-so-good Brand Evergreen Sugar Corn Contents 1 Lb. 4 Oz. Packed By New Vienna Canning Co. New Vienna, Ohio."

Misbranding of the article was alleged in the libel for the reason that the statement "Contents 1 Lb. 4 Oz.," appearing in the labeling, was false and misleading and deceived and misled the purchaser. Misbranding was alleged 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 April 21, 1925, the New Vienna Canning Co., New Vienna, Ohio, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, for repacking, relabeling, use, and disposition pursuant to the law and under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13309. Adulteration of shell eggs. U. S. v. George W. Robertson (W. H. Hicks & Co.). Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 18360. I. S. No. 4589-v.)

On May 27, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. Robertson, trading as W. H. Hicks & Co., Bristol, Tenn., alleging shipment by said defendant, under the name of S. M. Porter Produce Co., in violation of the food and drugs act, on or about August 14, 1923, from the State of Tennessee into the State of Virginia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 540 eggs from the consignment showed that 68 eggs, or 12.59 per cent of those examined, were inedible, consisting of black rots, mixed rots, spot rots, and blood rings.

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

On March 9, 1925, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13310. Adulteration of butter. U. S. v. 26 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19872. I. S. No. 23142-v. S. No. C-4664.)

On February 20, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the