per cent," borne on the tags attached to the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 43 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 43 per cent of protein, whereas the said article contained less than 43 per cent of protein.

On September 19, 1925, 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.

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

13814. Adulteration of canned salmon. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, $50. (F. & D. No. 19661. I. S. No. 20245-v.)

On July 31, 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 Libby, McNeill & Libby, a corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about August 11, 1924, 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: "Libby's Fancy Red Alaska Salmon * * * Packed By Libby McNeill & Libby Main Office Chicago."

Examination by the Bureau of Chemistry of this department of 180 cans of the article showed 82 cans, or 45.5 per cent, of inedible salmon.

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 September 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

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

13815. Misbranding of canned tuna fish. U. S. v. Westgate Sea Products Co. Plea of guilty. Fine, $350. (F. & D. No. 19641. I. S. Nos. 12868-v, 12869-v, 17054-v, 17055-v, 17056-v, 17057-v, 18953-v, 20902-v, 20906-v, 23006-v, 23010-v.)

At the September, 1925, term of the United States District Court within and for the Southern District of California, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Westgate Sea Products Co., a corporation, San Diego, Calif., alleging shipment by said company, in various consignments, from the State of California, namely, on or about July 7 and August 23, 1924, respectively, into the State of Oklahoma, on or about July 10, 1924, into the State of Illinois, on or about July 19, 1924, into the State of Colorado, on or about July 29, 1924, into the State of New York, and on or about July 31, 1924, into the State of Maryland, of quantities of canned tuna fish which was misbranded. A portion of the article was labeled in part: (Can) "Tuna Packed By Westgate Sea Products Company, San Diego, California Net Weight 7 Oz." (or "Net Weight 13 Oz."). The remainder of the said article was labeled, variously: (Can) "Net Weight 13 Oz.," "Net Weight 14 Ozs.," or "Contents 7 Oz. Avoir," as the case might be.

Examination by the Bureau of Chemistry of this department of a number of samples of the article of the 7-ounce size, the 13-ounce size, and the 14-ounce size showed that the average weight was 6.8 ounces, 12.5 ounces, and 12.4 ounces, respectively.

Misbranding of the article was alleged in substance in the information for the reason that the statements "Net Weight 7 Oz.," "Net Weight 13 Oz.," "Net Weight 14 Ozs.," and "Contents 7 Oz.," borne on the labels, regarding the quantity of the said article contained in the said cans were false and misleading, in that the said statements represented that the cans contained 7 ounces, 13 ounces, or 14 ounces of the article, as the case might be, 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 cans contained 7 ounces, 13 ounces, or 14 ounces of the article, as the case might be, whereas the said cans did not contain the amounts declared on the respective labels but did contain less amounts. 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 respective packages.

On September 15, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $350.

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