statement represented that the article consisted wholly of select California tuna of the best quality, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of select California tuna of the best quality, whereas it consisted in large part of yellowtail.

On January 18, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $500.

W. M. JARDINE, *Secretary of Agriculture.*

14433. Adulteration and misbranding of hay. U. S. v. The Raymond P. Lipe Co. Plea of nolo contendere. Fine, $100 and costs. (F. & D. No. 18727. I. S. No. 709-v.)

On November 26, 1924, the United States attorney for the Northern District of Ohio, 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 Raymond P. Lipe Co., a corporation Toledo, Ohio, alleging shipment by said company, within and through the jurisdiction of the said court, on or about June 4, 1923, from Applegate, Mich., into the State of Virginia, of a quantity of hay which was adulterated and misbranded. The article was invoiced as "Choice Timothy Hay."

It was alleged in the information that the article was adulterated, in that hay of a lower grade or grades, to wit, U. S. No. 2 Mixed Grass, U. S. No. 3 Mixed Grass, and U. S. Sample Grade Mixed Grass had been substituted wholly for Choice Timothy, which the said article purported to be, and for the further reason that substances, to wit, U. S. No. 2 Mixed Grass, U. S. No. 3 Mixed Grass, and U. S. Sample Grade Mixed Grass had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, "Choice Timothy Hay."

On February 17, 1925, a motion to quash the information was filed on behalf of the defendant, which motion was overruled by the court. On January 8, 1926, the defendant company entered a plea of nolo contendere, and the court imposed a fine of $100 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14434. Misbranding of butter. U. S. v. 193 Pounds of Creamery Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20336. I. S. No. 3626-x. S. No. C-4798.)

On July 18, 1925, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 193 pounds of creamery butter, at Birmingham, Ala., alleging that the article had been shipped by the Nashville Pure Milk Co., from Nashville, Tenn., on or about July 6, 1925, and transported from the State of Tennessee into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "One Pound Net Weight Greenfield Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net Weight," borne on the labels, was false and misleading and deceived and misled the purchaser, and 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, since the quantity stated on the package was not correct.

On August 1, 1925, the Nashville Pure Milk Co., Nashville, Tenn., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of $500, in conformity with section 10 of the act, and it was further ordered that the said product be rebranded in conformity with the act.

W. M. JARDINE, *Secretary of Agriculture.*