

State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "France Old Monk * * * Trade Mark Olive Oil * * * Old Monk Olive Oil Co. New York - Chicago - Nice Net Contents One Pint."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "One Pint," appearing on the cans containing the article, was false and misleading, in that the contents of each of the said cans was less than 1 pint, and for the further reason that the article was falsely labeled "One Pint," so as to deceive and mislead purchasers, since each of the said packages did not contain 1 pint and the shortage was not a reasonable variation permitted under the laws and regulations established under the act. 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 January 3, 1922, the Old Monk Olive Oil Co., claimant, having admitted the allegations of the libel and 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 claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12118. Adulteration of canned sardines. U. S. v. 50 Cases, et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17745, 17773, 17774, 17775, 17834. I. S. Nos. 4542-v, 4545-v, 4546-v, 4548-v, 4550-v, 4658-v, 4659-v, 4660-v. S. Nos. C-4115, C-4116, C-4122.)

On August 27, September 8, and September 20, 1923, respectively, the United States attorney for the Northern District of Ohio, 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 373 cases of sardines, at Cleveland, Ohio, alleging that the article had been shipped by the Columbian Canning Co., Lubec, Me., in part on or about June 29 and in part on or about August 1, 1923, and transported from the State of Maine into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Champion Brand American Sardines * * * Packed And Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine."

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

On October 11 and 29, 1923, respectively, 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 destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12119. Misbranding of butter. U. S. v. 172 Pounds of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17388. I. S. Nos. 6566-v, 6567-v. S. No. C-3955.)

On March 20, 1923, the United States attorney for the Eastern District of Illinois, 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 172 pounds and 50 pounds of butter, remaining unsold in the original unbroken packages at East St. Louis, Ill., consigned by Paul A. Schulze, St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about March 8, 1923, and transported from the State of Missouri into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Carton) "Clover Springs Pure Butter * * * One Pound Net Paul A. Schulze Co., St. Louis, Mo." The remainder of the said article was labeled in part: (Shipping carton) "Plain Sweet Halves - 8."

Misbranding of the article was alleged in the libel for the reason that the statement, "One Pound Net," was false and misleading and deceived and misled the purchaser.

On March 27, 1923, the Paul A. Schulze Co., St. Louis, Mo., having appeared as claimant for the property, a decree of the court was entered adjudging the product to be liable to condemnation and forfeiture, and it was ordered by the