11577. Misbranding of codfish. U. S. v. Leonard A. Treat. Plea of nolo contendere. Fine, $25. (F. & D. No. 16246. I. S. No. 6705-t.)

On June 23, 1922, 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 an information against Leonard A. Treat, East Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about June 4, 1921, from the State of Massachusetts into the State of New York, of a quantity of codfish which was misbranded. The article was labeled in part: (Retail package) "Weight One Pound Net When Packed All-Cod Brand Pure Codfish All Bones Out Leonard A. Treat, Boston, Mass."

Examination by the Bureau of Chemistry of this department of 72 packages of the article showed an average shortage in weight of approximately 5.4 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Weight One Pound Net When Packed," borne on the retail packages containing the article, regarding the net quantity of the article contained in the said packages, was false and misleading in that the said statement represented that the said packages each contained 1 pound net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the said article, whereas, in truth and in fact, the said retail packages did not each contain 1 pound net of the said article 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, since the stated quantity, to wit, "Weight One Pound Net When Packed," was indefinite and incorrect in that the quantity of the contents of the package was less than 1 pound net when shipped.

On March 20, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $25.

HOWARD M. GORE *Acting Secretary of Agriculture.*

11578. Adulteration of Vienna style sausage. U. S. v. 190 Cases of Delicia Vienna Style Sausage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16293. I. S. No. 3293-t. S. No. C-3618.)

On May 8, 1922, the United States attorney for the Middle 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 the seizure and condemnation of 190 cases of Delicia Vienna style sausage, consigned in part February 15 and in part March 2, 1922, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the Thomas Canning Co., from Grand Rapids, Mich., and transported from the State of Michigan into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Delicia Food Products Baker Packing Company Chicago * * * Vienna Style Sausage Order Thomas Canning Co., Montgomery, Ala.;" (can) "Delicia * * * Vienna Style Sausage Baker Packing Company Chicago."

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 May 29, 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, *Acting Secretary of Agriculture.*

11579. Adulteration and misbranding of salad oil. U. S. v. 24 Half-Gallon Cans and 12 Gallon Cans of Salad Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16356. I. S. Nos. 15956-t, 15957-t. S. No. E-3859.)

On April 26, 1922, 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 24 half-gallon cans and 12 gallon cans of salad oil, remaining in the original unbroken packages at Pittston, Pa., alleging that the article had been shipped by the Southern Importing Co., New York, N. Y., on or about March 11, 1922, and transported from the State of New York into the State of