the article was represented to consist wholly of oysters, whereas it consisted in part of excessive water.

On May 2, 1934, a plea of nolo contendere was entered, and the court found the defendant guilty and imposed a fine of $100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22080. Adulteration of canned tomatoes. U. S. v. 719 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 28797 to 28806, incl. Sample nos. 13394–A, 16779–A, 16782–A.)

This case involved an interstate shipment of canned tomatoes, examination of which showed the presence of insect-infestation and maggots.

On August 27, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 719 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about May 20, 1932, by J. W. Gillespie, from Princeton, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Winners Brand Tomatoes * * * Packed By Columbia Canning Co. Homestead, Fla. J. W. Gillespie Owner."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 10, 1934, the claim of J. W. Gillespie, the sole intervener, having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22081. Adulteration and misbranding of oysters. U. S. v. Robert W. Howeth and Charles W. Howeth, Jr. (Chas. W. Howeth & Bro.). Pleas of nolo contendere. Judgments of guilty. Fine, $90 and costs. (F. & D. no. 29355. I.S. nos. 37573, 37574, 37578, 39687, 39689.)

This case was based on interstate shipments of oysters which contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Robert W. Howeth and Charles W. Howeth, Jr., copartners, trading as Chas. W. Howeth & Bro., Crisfield, Md., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about November 16, 17, 18, and 19, 1931, from the State of Maryland into the State of Pennsylvania, of quantities of oysters which were adulterated, and a portion of which were also misbranded. The product in one of the shipments was labeled: "Famous Sea Foods H. & B. Brand Oysters * * * These Oysters are Packed in Accordance with the National Health Regulations and Pure Food Laws." The remainder was labeled: "Minimum Volume 1 Pt."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength; in that excessive water had been substituted in part for the article; and in that oyster solids, a valuable constituent of the article, had been in part abstracted.

Misbranding of the product in one of the shipments was alleged for the reason that the statement, "These Oysters Are Packed In Accordance With The * * * Pure Food Laws", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article was adulterated in violation of the Federal Food and Drugs Act.

On May 2, 1934, pleas of nolo contendere were entered, and the court found the defendants guilty and imposed a fine of $90 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22082. Adulteration of oysters. U. S. v. Nelson R. Coulbourn (N. R. Coulbourn). Plea of nolo contendere. Judgment of guilty. Fine, $10 and costs. (F. & D. no. 29383. I.S. no. 37603.)

This case was based on a shipment of oysters which contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nelson R. Coulbourn, trading as N. R. Coulbourn, Crisfield, Md., alleging shipment by said defendant, in violation of the Food and

Drugs Act, on or about December 22, 1931, from the State of Maryland into the State of Pennsylvania, of a quantity of oysters which were adulterated. The article was labeled in part: "Crisfield Oysters * * * Packed at Crisfield, Md. By N. R. Coulbourn."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

On May 2, 1934, a plea of nolo contendere was entered, and the court found the defendant guilty and imposed a fine of $10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22083. Misbranding of canned corn. U. S. v. Iowa Canning Co. Plea of guilty. Fine, $25. (F. & D. no. 29502. I.S. no. 32200. Sample no. 2153-A.)

This case was based on two shipments of short-weight canned corn.

On April 11, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Iowa Canning Co., a corporation, Vinton, Iowa, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 11 and December 8, 1931, from the State of Iowa into the State of Colorado, of quantities of canned corn which was misbranded. The article was labeled in part: "Jonquil Brand Packed for The J. S. Brown Mercantile Co. Denver, Colo., Contents 16 oz. Sweet Corn."

It was alleged in the information that the article was misbranded in that the statement on the label, "Contents 16 oz.", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than 16 ounces. Misbranding ing 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 statement made was incorrect.

On April 11, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22084. Adulteration of butter. U. S. v. Sardis Creamery Co. Plea of guilty. Fine, $25. (F. & D. no. 29504. I.S. no. 42708.)

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat.

On December 18, 1933, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sardis Creamery Co., a corporation, Sardis, Miss., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 8, 1931, from the State of Mississippi into the State of Illinois (reshipped by the consignee to New York, N.Y., on or about December 14, 1931), and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the information that the article, when shipped by the defendant company, was adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On April 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22085. Adulteration and misbranding of butter. U. S. v. Inland Products Co. Plea of guilty. Fine, $20. (F. & D. no. 29507. Sample nos. 1728-A, 1739-A.)

This case was based on two interstate shipments of butter, one of which contained less than 80 percent by weight of milk fat and the other of which was short weight.

On April 22, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Inland Products Co., a corporation, Spokane, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 18, and May 24, 1932, from the