21890. Adulteration of canned tuna. U. S. v. The French Sardine Co. of California. Plea of guilty. Fine, $200. (F. & D. no. 30199. Sample no. 8582–A.)

This case was based on an interstate shipment of canned tuna, samples of which were found to be tainted or stale.

On July 10, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the French Sardine Co. of California, a corporation, Terminal Island, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 20, 1932, from the State of California into the State of Pennsylvania, of a quantity of canned tuna that was adulterated. The article was labeled in part: "Clover Farm Brand Tuna * * * Clover Farm Stores Distributors National Headquarters Cleveland, Ohio."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 4, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $200.

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

21891. Misbranding of mayonnaise and relish. U. S. v. J. F. Goodson & Co. (J.F.G. Coffee Co.). Plea of nolo contendere. Fine, $100. (F. & D. no. 30203. Sample nos. 7635–A, 7636–A.)

This case was based on interstate shipments of mayonnaise and relish. Samples taken from the mayonnaise were found to contain less than 16 ounces, the labeled weight. The label of the relish failed to bear a plain and conspicuous statement of the quantity of the contents, since it was invoiced as "16 ounce Relish", the case was labeled as containing 1-pound jars, the case also bore a "Relish" label stating the weight to be 12 ounces, the jar within the case bore a label declaring 8 ounces to be the net weight, whereas on examination the jars were found to contain approximately 15 ounces.

On June 15, 1933, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. F. Goodson & Co., a corporation, trading as the J. F. G. Coffee Co., Knoxville, Tenn., alleging shipment by said company on or about July 12, 1932, from the State of Tennessee into the State of North Carolina, of quantities of mayonnaise and relish that were misbranded. The articles were labeled in part, respectively: "Net Wght. 16 Ozs. J. F. G. Special Mayonnaise J. F. G. Coffee Co., Knoxville, Tenn." and "Net Wght, 8 Oz. J. F. G. Special Relish. J. F. G. Coffee Co., Knoxville, Tenn."

It was alleged in the information that the mayonnaise was misbranded in that the statement, "Net Wght. 16 Ozs.", borne on the jar 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 jars contained less than 16 ounces. Misbranding was alleged with respect to both products for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On January 16, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of $100.

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

21892. Adulteration and misbranding of butter. U. S. v. David Cole Creamery Co. Plea of guilty. Fine, $25 and costs. (F. & D. no. 30244. Sample nos. 12361–A to 12363–A incl., 21602–A.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On December 8, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the David Cole Creamery Co., a Colorado corporation, having its principal place of business at Omaha, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 19 and December 29, 1932, from the State of Nebraska into the State of New York, of quantities of tub and print butter that was adulterated and misbranded. One lot of the print butter was labeled in part: "Maple Leaf Brand Creamery Butter David Cole Creamery Co. Omaha." The remainder of the print butter was labeled in part: "Stony Brook * * * Creamery Butter * * * Dist. by C. R. and W. J. Sutherland, Incorporated, Albany, N.Y."