

shipped in interstate commerce, on or about April 23, 1932, by James A. Smith, from Fernandina, Fla., to St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Meletio's DeLuxe Quality Shrimp Wet Pack Contents 5 $\frac{3}{4}$ oz."

It was alleged in the libel that the article was adulterated in that a substance, brine, had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Contents 5 $\frac{3}{4}$ oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was 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 September 12, 1932, the Meletio Seafood Co., St. Louis, Mo., having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering the product released to the claimant upon the execution of a bond in the sum of \$500, conditioned that it be relabeled to show its true contents.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20977. Misbranding of cider vinegar. U. S. v. The Naas Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 25683. I. S. nos. 09137, 010140.)

This action was based on interstate shipments of cider vinegar which was found to be short of the volume declared on the label. The requirement of the law that the quantity of the contents be stated on the label was not complied with, since the statements were incorrect.

On July 11, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Naas Corporation, Cohocton, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 14, 1929, and May 31, 1929, from the State of New York into the State of Michigan, of quantities of vinegar that was misbranded. A portion of the article was labeled: "Steuben Brand * * * Net Contents One Pint Reduced Cider Vinegar * * * Naas Cider & Vinegar Co., Inc. Cohocton, N.Y." The remainder was labeled, "Cider Vinegar * * * NA-CO Brand * * * Naas Cider & Vinegar Co., Inc., Cohocton, N.Y." The label in the latter lot also bore the statement, "Net Contents One Pint", which statement was lightly over stamped "10 Oz."

It was alleged in the information that the article was misbranded in that the statement, "Net Contents One Pint", with respect to a portion of the article, and the statements, "10 Oz." and "Net Contents One Pint", with respect to the remainder, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the bottles in the first lot contained less than 1 pint and those in the latter lot contained less than 10 ounces of the article. 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 March 28, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20978. Adulteration and misbranding of cheese. U. S. v. Fred Wuethrich and Alfred Wuethrich (Wuethrich Bros.). Pleas of guilty. Fine, \$10. (F. & D. no. 26608. Sample no. 14374.)

This case was based on an interstate shipment of cheese which contained excessive moisture.

On September 12, 1931, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Fred Wuethrich and Alfred Wuethrich, copartners, trading as Wuethrich Bros., Doylestown, Wis., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about November 6, 1930, from the State of Wisconsin into the State of Illinois, a quantity of cheese which was adulterated and misbranded. The article was labeled: (Box) "Rosebud Cream Cheese Made from Whole Milk Distributed by G. H. Hammond Co., Chicago, U. S. A."; (on each cheese) "Wisconsin No. 1."