United States of America, and the said cans did not contain a full half gallon of the said article. Misbranding of the product contained in the said half-gallon cans was alleged for the further reason that it was a product composed in part of oil other than olive oil, prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, pure olive oil. Misbranding was alleged with respect to the product contained in both sized cans for the reason that it 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 quantity stated on the labeling thereof was more than the actual contents of the said packages.

On November 14, 1921, 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 sold by the United States marshal, in packages properly branded so as to show the correct weight and nature of the contents thereof.

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

10273. Adulteration and misbranding of butter color. U. S. * * * v. 15,680 Capsules * * * of Butter Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No 15404. I. S. No. 236–t. S. No. C–3247.)

On September 29, 1921, the United States attorney for the Northern 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 for the seizure and condemnation of 15,680 capsules of butter color, at Chicago, Ill., alleging that the article had been shipped by T. Willard Ready, Niles., Mich., May 3, 1921, and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, mineral oil, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality; for the further reason that the said substance had been substituted in part for an article of food containing edible oil, which the said article purported to be; and for the further reason that the said article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was labeled in part on the box containing the same as follows, to wit, "Butter Color Capsules Each capsule will color 1 pound The color contained in these capsules is Yellow A. B. & O. B. and is guaranteed to comply with U. S. Department of Agriculture regulations. * * *" which statement was false and misleading and deceived and misled the purchaser in that it was applied to a product containing mineral oil.

On February 18, 1922, 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.

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

10274. Misbranding of canned crab meat. U. S. * * * v. James C. W. Tawes. Plea of guilty. Fine, $50 and costs. (F. & D. No. 15430. I. S. No. 7886–t.)

On December 23, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James C. W. Tawes, Crisfield, Md., alleging shipment by said defendant, on or about May 19, 1921, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the State of Pennsylvania, of a quantity of canned crab meat which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed a shortage of 2.54 pounds in the 5 five-pound cans examined, an average shortage of 10.16 per cent from the declared weight.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 5 Lbs. Net," borne on the cans containing the said article, regarding the article, was false and misleading in that it represented that each of the said cans contained 5 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive