

Misbranding of the article was alleged in the libel 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.

On October 3, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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

11072. Adulteration and misbranding of canned salmon. U. S. v. Rush Estee and the Kenai Packing Co., a Corporation. Dismissed as to Kenai Packing Co. Plea of nolo contendere by Rush Estee. Fine, \$100. (F. & D. No. 15058. I. S. Nos. 10084-t, 10085-t, 10086-t, 10091-t, 10092-t, 10094-t.)

On February 1, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Rush Estee, Seattle, Wash., and the Kenai Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said defendants in violation of the Food and Drugs Act, in two consignments, on or about December 4, 1920, and December 27, 1920, respectively, from the State of Washington to Sidney, Australia, of quantities of canned salmon which was adulterated and misbranded. The article was labeled in part, variously: "Kay-Square Brand Select Pink Salmon * * * Kenai Packing Co. Seattle, Wash.;" "Keen-Eye Finest Alaska Red Salmon * * * Kenai Packing Co. Seattle, Wash.;" "Horizon Brand Select * * * Medium Red Salmon Kenai Packing Co. Seattle Wash."

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged in substance for the reason that the statement, to wit, "Select * * * Salmon," borne on the labels attached to a number of the cans involved in the consignment of December 4, 1920, and the statement, to wit, "Finest * * * Salmon," borne on a number of the cans from said consignment, and the statements, to wit, "Fresh Fish" and "Inspected," borne on the labels attached to all the cans from said consignment, and the statement, to wit, "Select * * * Salmon," borne on the labels of the cans involved in the remaining consignment, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the said article with respect to a number of the said cans was select salmon, with respect to a number of the said cans was finest salmon, and that all of the product involved in the consignment of December 4, 1920, was fresh fish and had passed inspection by the United States Government, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article with respect to a number of the said cans was select salmon, with respect to a number of the said cans was finest salmon, and that all of the product involved in the said consignment of December 4, 1920, was fresh fish and had passed inspection by the United States Government, whereas, in truth and in fact, the article was not select salmon, it was not finest salmon, it was not fresh fish, and the product involved in the consignment of December 4, 1920, had not passed inspection by the United States Government.

On July 17, 1922, a plea of nolo contendere to the information was entered by Rush Estee, and the court imposed a fine of \$100. The Kenai Packing Co. having become bankrupt, the case against the said company was dismissed on September 29, 1922.

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

11073. Adulteration of shell eggs. U. S. v. Barnett Supply Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15592. I. S. No. 3353-t.)

On April 3, 1922, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Barnett Supply Co., a corporation, Booneville, Miss., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 22, 1921, from the State of Mississippi into the State of Alabama, of a quantity of shell eggs which were adulterated. The article was labeled in part: (Tag) "The eggs contained in this case have been carefully candled by

M on 9-21-1921 for Barnett Supply Co., Booneville, Miss., and all unfit for food have been excluded."

Examination, by the Bureau of Chemistry of this department, of 360 eggs from the consignment showed the presence of 46 inedible eggs, or 12.8 per cent of those examined, which consisted of mixed or white rots and blood rings.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On October 2, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

11074. Adulteration and misbranding of vinegar. U. S. v. 40 Barrels of Alleged Apple Cider Vinegar Blend. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16131. I. S. No. 8178-t. S. No. E-3854.)

On April 24, 1922, the United States attorney for the Southern District of Florida, 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 40 barrels [10 barrels and 30 half-barrels] of alleged apple cider vinegar blend, consigned by the Fruit Products Co., Savannah, Ga., remaining unsold in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped from Savannah, Ga., on or about March 16, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Fruit Products Co. Apple Cider Vinegar Blend Savannah Ga."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the reason that the article was colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the aforesaid statement, to wit, "Fruit Products Co. * * * Apple Cider Vinegar Blend," was false and misleading and deceived and misled purchasers thereof. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On May 8, 1922, the Fruit Products Co., Savannah, Ga., claimant, having admitted the allegations of the libel, but claiming that any violation of the laws was unintentional and through ignorance, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act, conditioned in part that if the said product should be sold or disposed of in any form or branding, such branding should accurately and correctly describe the product.

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

11075. Adulteration of oysters. U. S. v. The Atlantic Packing Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 16403. I. S. No. 15009-t.)

On September 25, 1922, 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 the Atlantic Packing Co., a corporation, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 23, 1922, from the State of Maryland into the State of New York, of a quantity of oysters which were adulterated. The article was labeled in part: (Tag) " * * * From The Atlantic Packing Co. Majestic Brand Oysters Baltimore Maryland."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for oysters, which the said article purported to be. Adultera-