

advisement by the court which, on Nov. 16, 1922, rendered a judgment of not guilty on counts 1, 2, 5, and 6, and of guilty on counts 3 and 4 and imposed a fine of \$100 and costs on each of the said two counts.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11383. Misbranding of smoked herrings. U. S. v. F. E. Booth Co., a Corporation. Plea of nolo contendere. Fine, \$100. (F. & D. No. 16012. I. S. No. 3389-t.)

On April 12, 1922, the United States attorney for the Northern District of California, 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 F. E. Booth Co., a corporation, Pittsburg, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 12, 1919, from the State of California into the State of Missouri, of a quantity of smoked herrings which were misbranded. The article was labeled in part: "Booth's Herrings Net Contents 15 Ozs. * * * General Offices San Francisco, Cal. U. S. A. F. E. Booth Co."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average net weight of 12 cans was 13.6 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 15 Ozs.," borne on the labels attached to the cans containing the said article, regarding the article, was false and misleading in that it represented that each of said cans contained 15 ounces net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 15 ounces net of the article, whereas, in truth and in fact, each of said cans did not contain 15 ounces net of the said article but did contain a less amount. 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 29, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11384. Misbranding of chocolates. U. S. v. Schutter-Johnson Candy Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 16204. I. S. Nos. 3589-t, 3590-t.)

On January 2, 1923, 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 an information against the Schutter-Johnson Candy Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 2, 1921, from the State of Illinois into the State of Minnesota, of a quantity of chocolates which were misbranded. The article was labeled in part: "Courtship Chocolates Assorted One pound net" (or "Half pound net") "* * * Schutter-Johnson Candy Co. Chicago, U. S. A."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the average net weight of 18 half-pound packages was 7.13 ounces, and that the average net weight of 16 pound packages was 13.19 ounces.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "One pound net" and "Half pound net," borne on the labels attached to the respective-sized packages containing the article, regarding the said article, were false and misleading in that the said statements represented that each of said packages contained one pound net or one-half pound net, as the case might be, of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained one pound net or one-half pound net, as the case might be, of the said article, whereas, in truth and in fact, each of said packages did not contain one pound net or one-half pound net, as the case might be, of the said article but did contain a less amount. 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 2, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*