

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 June 11, 1923, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11595. Adulteration of shell eggs. U. S. v. Albert M. Kelly. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 17077. I. S. No. 5807-v.)

On March 9, 1923, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert M. Kelly, Eakly, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 2, 1922, from the State of Oklahoma into the State of Texas, of a quantity of eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 720 eggs from the consignment showed that 672, or 93 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

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.

On June 11, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11596. Adulteration of shell eggs. U. S. v. Jacob B. Robinette (Robinette Produce Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 17078. I. S. No. 1003-v.)

On February 28, 1923, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob B. Robinette, trading as Robinette Produce Co., Duffield, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 29, 1922, from the State of Virginia into the State of Maryland, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,392 eggs from the consignment showed that 15.1 per cent of those examined were totally inedible, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

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.

On May 21, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11597. Misbranding of canned blueberries. U. S. v. Henry S. Kane. Plea of *nolo contendere*. Fine, \$50. (F. & D. No. 17145. I. S. No. 3905-v.)

On June 5, 1923, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry S. Kane, trading at Addison, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about August 19, 1922, from the State of Maine into the State of Illinois, of a quantity of canned blueberries which were misbranded. The article was labeled in part: "Canned Goods * * * Net Weight 6 Lbs. 12 Oz. Genesee Brand Blueberries."

Examination of three cans of the product by the Bureau of Chemistry of this department showed an average shortage in weight of 4.6 ounces, or 4.2 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 6 Lbs. 12 Oz.," borne on the cans containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said cans contained 6 pounds 12 ounces net weight of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 6 pounds 12 ounces net weight of the article, whereas, in truth and in fact, each of said cans did not

contain 6 pounds 12 ounces of the 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 June 11, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11598. Misbranding and alleged adulteration of minced clams. U. S. v. 25 Cases of Minced Clams. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17220. I. S. No. 8273-v. S. No. W-1305.)

On February 1, 1923, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of minced clams, remaining unsold in the original unbroken packages at St. Maries, Idaho, alleging that the article had been shipped by the G. Batcheller Hall Co., Seattle, Wash., on or about November 1, 1922, and transported from the State of Washington into the State of Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Far-North Ocean Clams (Minced) * * * 10 Oz. Net Contents * * * Packed By Polar Fisheries Co. Alaska Main Office: Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that excessive brine or liquor had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement, "Clams (Minced)," was false and misleading and deceived and misled purchasers thereof.

On June 2, 1923, the Newton-Reinhardt Co., St. Maries, Idaho, having appeared as claimant for the property and having admitted that the said cans contained 1½ ounces less of clam meat than the capacity thereof, a decree of the court was entered adjudging the product to be misbranded and subject to condemnation and forfeiture, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the cans be rebranded to show the correct weight of the clam meat contained therein and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11599. Misbranding and alleged adulteration of canned oysters. U. S. v. 18 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17478. I. S. No. 4552-v. S. No. C-3968.)

On April 24, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 cases of oysters at Cincinnati, Ohio, consigned by the St. Michaels Packing Co., St. Michaels, Md., March 20, 1923, alleging that the article had been shipped from St. Michaels, Md., and transported from the State of Maryland into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Sure-Go Brand Cove Oysters * * * Packed By The St. Michaels Packing Co. St. Michaels, Md. Contents Weigh 5 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for oysters.

Misbranding was alleged for the reason that the statements appearing in the labels, "Cove Oysters * * * Contents Weigh 5 Oz.," were false and misleading and deceived and misled the purchaser. 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 June 18, 1923, the J. C. Kerr Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered finding the product to be misbranded and ordering its condemnation and forfeiture. It was further ordered by the court