

sented that the article was grain and sugar vinegar compound, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was grain and sugar vinegar compound, whereas, in truth and in fact, it was not but was an artificially colored distilled vinegar, deficient in acid strength. Misbranding was alleged for the further reason that the article was an artificially colored distilled vinegar, deficient in acid strength, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, grain and sugar vinegar compound.

On April 30, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$40 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture*

**11626. Misbranding of butter. U. S. v. Spearfish Cooperative Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17128 I. S. No. 7523-v.)**

On or about April 2, 1923, the United States attorney for the District of South Dakota, 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 Spearfish Cooperative Creamery Co., a corporation, Spearfish, S. Dak., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 31, 1922, from the State of South Dakota into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "One Pound Net Golden Valley Butter \* \* \* Spearfish Cooperative Creamery Co. Spearfish, S. Dakota."

Examination by the Bureau of Chemistry of this department of 100 packages of the product showed that the average net weight of the said packages was 15.12 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the said article, regarding the article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net of the 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 packages contained 1 pound net of the article, whereas, in truth and in fact, each of the said packages did not contain 1 pound net of the said article but did contain a less amount.

On May 23, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**11627. Adulteration of canned salmon. U. S. v. 1,920 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released for reshipment and reexamination under bond. (F. & D. Nos. 17170, 17171, 17172, 17180, 17229. I. S. Nos. 189-v, 253-v, 254-v, 256-v. S. Nos. E-4268, E-4270, E-4284, E-4299.)**

On January 18, January 22, and February 7, 1923, respectively, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 3,089 cases of canned salmon, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Warren Packing Co., from Portland, Ore., in various consignments, namely, on or about July 19, July 26, August 2, September 12, and September 19, 1922, respectively, and transported from the State of Oregon into the State of New York, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cases) "Bluebacks 48 8 Oz. One Half Cans." A second portion of the said article was labeled in part: (Cans) "Fresh Columbia River \* \* \* Spring Catch Contents 8 Ounces Salmon \* \* \* Warren Packing Company, Distributors Cathlamet, Wash. Warrendale, Ore." The remainder of the said article was labeled in part: (Cans) "Fancy Columbia River Blue Back \* \* \* Spring Catch Contents 8 Ounces Salmon \* \* \* Warren Packing Company, Distributors Cathlamet, Wash. Warrendale, Ore."

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

On April 10, 1923, the Warren Packing Co., claimant, having admitted the allegations of the libels and consented to the entry of decrees of condemnation

and forfeiture, it was ordered by the court that the product be delivered to the said claimant upon the execution of bonds in the aggregate sum of \$15,875, in conformity with section 10 of the act, conditioned in part that it be re-shipped to the factory of the claimant at Portland, Oreg., to be reexamined and reconditioned under the supervision of this department, the bad portion destroyed and the good portion released to the claimant. It was further ordered by the court that, in the event the reconditioning did not result in the complete elimination of the objectionable salmon, the entire lot be destroyed.

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

**11628. Adulteration of walnut meats. U. S. v. 2½ Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17218. I. S. No. 8161-v. S. No. W-1301.)**

On February 9, 1923, the United States attorney for the District of Colorado, 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 2½ cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by Max Part, Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about November 29, 1922, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

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

On March 19, 1923, 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.

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

**11629. Adulteration of walnut meats. U. S. v. 4 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17219. I. S. No. 8162-v. S. No. W-1304.)**

On February 9, 1923, the United States attorney for the District of Colorado, 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 4 cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Sanitary Nut Shelling Co., Los Angeles, Calif., alleging that the article had been shipped on or about December 29, 1922, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On April 30, 1923, 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.

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

**11630. Misbranding of oil. U. S. v. 3 Cases, et al., of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15012. I. S. Nos. 6622-t, 6623-t. S. No. E-3377.)**

On June 17, 1921, the United States attorney for the District of New Jersey, 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 3 cases, each containing gallon cans, and ½ case, containing half-gallon cans, of oil, remaining unsold in the original unbroken packages at Paterson, N. J., alleging that the article had been shipped by Abraham Gash, New York, N. Y., on or about May 19, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Extra Oil Quality \* \* \* The Italian Cook Brand \* \* \* Net Contents 1 Gall." (or "Net Contents ½ Gall.").

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Net Contents 1 Gall." and "Net Contents ½ Gall.," borne on the respective-sized cans containing the said article, regarding the net quantity of the article contained therein, were false and misleading and deceived and misled the purchaser, since the said cans contained less than one gallon net and one-half gallon net, respectively. 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.