

Examination of the article by the Bureau of Chemistry of this department showed that the sacks contained less than the quantity declared on the labels thereof.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "75 Lbs. Net," borne on the sacks containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said sacks contained 75 pounds net 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 sacks contained 75 pounds net of the article, whereas, in truth and in fact, each of the said sacks did not contain 75 pounds 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 \$200.

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

**11953. Adulteration and misbranding of canned oysters. U. S. v. 88 Cases and 13 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. Nos. 16643, 16663. I. S. Nos. 6601-v, 6603-v. S. Nos. C-3710, C-3726.)

On July 19 and 27, 1922, respectively, the United States attorney for the Eastern District of Missouri, 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 101 cases of oysters, remaining unsold in the original unbroken packages in part at Sikeston and in part at St. Louis, Mo., alleging that the article had been shipped by the Hilton Head Packing Co., Savannah, Ga., in part on or about April 22 and in part on or about May 17, 1922, and transported from the State of Georgia into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Can) "Hilton Head Brand \* \* \* Contains 5 Oz. Oyster Meat Oysters \* \* \* Packed By Hilton Head Packing Co. \* \* \* Savannah, Ga." The remainder of the article was labeled in part: (Can) "Indian Belle Brand \* \* \* Select Quality Oysters \* \* \* Contents 5 Ozs."

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

Misbranding of the article was alleged for the reason that the statements, "5 Oz." and "Contents 5 Ozs," borne in the labeling of the respective brands of the said article, 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 October 2, 1922, the Hilton Head Packing Co., Inc., Savannah, Ga., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled: "Slack Filled A package of this size should contain 5 ounces Oyster Meat. Actual cut-out weight in this can 3.5 ounces."

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

**11954. Adulteration of butter. U. S. v. 92 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17623. I. S. No. 8671-v. S. No. W-1392.)

On July 3, 1923, 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 a libel praying the seizure and condemnation of 92 cubes of butter, at San Francisco, Calif., alleging that the article had been shipped by the Bradner Co., from Seattle, Wash., June 26, 1923, and transported from the State of Washington into the State of California, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a product deficient in butterfat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted from the said article.

On July 17, 1923, the Makins Produce Co. having appeared as claimant for the property and consented to the entry of a decree, judgment of condemnation and forfeiture 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 \$3,000, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of this department.

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

**11955. Adulteration and misbranding of cottonseed meal. U. S. v. 100 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16990. I. S. No. 3189-v. S. No. E-4228.)**

On or about November 22, 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 praying the seizure and condemnation of 100 sacks of cottonseed meal, remaining unsold in the original unbroken packages at Jacksonville, Fla., consigned by the Buckeye Cotton Oil Co., from Macon, Ga., alleging that the article had been shipped from Macon, Ga., on or about October 25, 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: "100 Lbs. Net \* \* \* Cottonseed Meal Guarantee Protein 36.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding of the article was alleged for the reason that it was labeled, "Cottonseed Meal Guaranteed Protein 36.00%," which statement was false and misleading and deceived and misled the purchaser, since the said article was deficient in protein.

On January 30, 1923, the Buckeye Cotton Oil Co., Macon Ga., claimant, having admitted the allegations of the libel as to the mislabeling of the product but claiming that the mislabeling was unintentional, a decree of the court was entered ordering the condemnation of the said product, and it was further ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

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

**11956. Misbranding of olive oil. U. S. v. Nicholas V. Deligiannis and Antonios V. Deligiannis (Deligiannis Bros.). Pleas of guilty. Fine, \$200. (F. & D. No. 16232. I. S. Nos. 239-t, 240-t, 3518-t, 3519-t, 3520-t, 3521-t, 3522-t.)**

On July 9, 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 Nicholas V. Deligiannis and Antonios V. Deligiannis, copartners, trading as Deligiannis Bros., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about April 2, August 26, and September 13, 1921, from the State of Illinois into the State of Minnesota, and on or about August 3 and 26, 1921, from the State of Illinois into the State of Indiana, of quantities of olive oil which was misbranded. The article was labeled in part: (Cans) "Net Contents One Pint" (or "One Quart" or "Two Quarts") " \* \* \* Pure Olive Oil \* \* \* Universal Brand \* \* \* Imported And Packed By Deligiannis Brothers Chicago, Ill."

Examination by the Bureau of Chemistry of this department of samples taken from the various consignments showed that the said cans contained less than the quantities declared on the respective labels.