

amended. The article was labeled in part: (Carton) "One Pound Net Sunlight Creamery Butter. The Cudahy Packing Co. Distributors, U. S. A."

Analysis of the article by the Bureau of Chemistry of this department showed a deficiency in fat and excessive moisture. Examination of 120 packages of the article by said bureau showed the average net weight of the packages examined to be 15.76 ounces.

Adulteration of the article was alleged in the information for the reason that a product which contained less than 80 per cent of milk fat and which contained excessive moisture had been substituted for creamery butter, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "One Pound Net," borne on the packages containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article consisted wholly of creamery butter, and 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 it consisted wholly of creamery butter and that each of said packages contained 1 pound net of the article, whereas, in truth and in fact, it did not consist wholly of creamery butter but did consist of a product which contained less than 80 per cent of milk fat and which contained excessive moisture, and each of said packages did not contain 1 pound net 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 December 21, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

12275. Misbranding of cottonseed meal. U. S. v. 280 Sacks of Cottonseed Meal. Decree entered ordering product released under bond.
(F. & D. No. 18271. I. S. No. 2875-v. S. No. E-4690.)

On January 25, 1924, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of United States for said district a libel praying the seizure and condemnation of 280 sacks of cottonseed meal, remaining in the original unbroken packages at Palmyra, Pa., alleging that the article had been shipped by the International Vegetable Oil Co., from Raleigh, N. C., on or about November 12, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Empire High Grade Cotton Seed Meal * * * Guaranteed Analysis Protein, not less than . . . 41.12% Equivalent to Ammonia . . . 8.00%."

Misbranding of the article was alleged in the libel for the reason that the label bore statements regarding the article and the ingredients and substances contained therein, to wit, "High Grade Cotton Seed Meal Guaranteed Analysis Protein, not less than . . . 41.12% Equivalent to Ammonia . . . 8.00%," which were false and misleading and deceived and misled the purchaser, in that the said article contained less than 41.12 per cent of protein, the equivalent of 8 per cent of ammonia.

On April 19, 1924, Early & Detweiller, Palmyra, Pa., claimant, having paid the costs of the proceedings and executed a bond in the sum of \$725, a decree of the court was entered, ordering that the product be released to the said claimant.

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

12276. Adulteration and misbranding of alleged olive oil. U. S. v. The Youngstown Macaroni Co., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 16856. I. S. Nos. 6959-t, 6960-t.)

At the March, 1923, term of the United States District Court within and for the Northern District of Ohio, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against The Youngstown Macaroni Co., a corporation, Youngstown, Ohio, alleging shipment by said company, in violation of the food and drugs act, as amended, on or about May 10, 1921, from the State of Ohio into the State of Pennsylvania, of quantities of alleged olive oil which was adulterated and misbranded. The article was labeled in part: (Can) "Tripoli Italiana Brand Oil * * * 3 Quarts, 1 Pint And 6 Fl. Oz.

Net" (or "1 Quart, 1 Pint And 11 Fl. Oz. Net") " * * * Guaranteed By The Youngstown Macaroni Co., Youngstown, O. Under The Pure Food And Drugs Act. June 30, 1906 Serial No. 5179."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly of cottonseed oil, with little or no olive oil present. Examination of samples of the article by said bureau showed that in 22 cans of the larger size there was an average shortage of 4.95 per cent and in 24 cans of the smaller size an average shortage of 3.36 per cent.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements borne on the respective-sized cans containing the article, to wit, "Tripoli Italiana Brand Oil," "Guaranteed By The Youngstown Macaroni Co., Youngstown, O. Under The Pure Food And Drugs Act. June 30, 1906 Serial No. 5179," and "3 Quarts, 1 Pint And 6 Fl. Oz. Net," or "1 Quart, 1 Pint And 11 Fl. Oz. Net," together with the designs and devices of an Italian flag, shield, and crowns, not corrected by the statement in inconspicuous type "Winterpressed Cottonseed * * * Flavored With Pure Olive Oil," regarding the article and the substances and ingredients contained therein, were false and misleading in that they represented that the said article was olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, that each of the said cans contained 3 quarts, 1 pint, and 6 fluid ounces net, or 1 quart, 1 pint, and 11 fluid ounces net, as the case might be, of the said article, and that it conformed with the food and drugs act of June 30, 1906, 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 olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, that each of said cans contained 3 quarts, 1 pint, and 6 fluid ounces net, or 1 quart, 1 pint, and 11 fluid ounces, net, as the case might be, of the said article, and that it conformed with the food and drugs act of June 30, 1906, when, in truth and in fact, it was not olive oil but was a mixture composed in large part of cottonseed oil, it was not a foreign product, to wit, an olive oil produced in Italy but was a domestic product, to wit, an article produced in the United States of America, each of the said cans did not contain the amount declared on the label but did contain a less amount, and the said article did not conform to the food and drugs act of June 30, 1906. Misbranding was alleged for the further reason that the statements, designs, and devices borne on the said cans purported the article to be a foreign product when not so. 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 December 17, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

12277. Adulteration of canned salmon. U. S. v. 564 Cases of Salmon. Decree of condemnation. Product released under bond. (F. & D. No. 18236. I. S. Nos. 20684-v, 20685-v. S. No. W-1469.)

On January 8, 1924, 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 a libel praying the seizure and condemnation of 564 cases of salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Beauclaire Packing Co., from Beauclaire [Beauclerc], Alaska, in part October 12 and in part October 16, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co."

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 animal substance.

On January 11, 1924, the Beauclaire Packing Co., Beauclaire [Beauclerc], Alaska, claimant, having paid the costs of the proceedings and executed a