

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

bond in the sum of \$500, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant.

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

12278. Adulteration of scallops. U. S. v. Duffy Wade. Plea of guilty. Judgment that defendant pay costs. (F. & D. No. 14997. I. S. No. 6634-t.)

On November 24, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Duffy Wade, trading at Morehead City, N. C., alleging shipment by said defendant in violation of the food and drugs act on or about March 17, 1921, from the State of North Carolina into the State of New York of a quantity of scallops which were adulterated.

Examination of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On April 27, 1922, the defendant entered a plea of guilty to the information, and upon the finding by the court that the defendant did not knowingly adulterate the product and that the product was purchased by the defendant in an adulterated condition, judgment was entered by the court that the defendant pay the costs of the proceedings.

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

12279. Adulteration and misbranding of color. U. S. v. 1 Can Containing 8 Pounds of Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18419. I. S. No. 15379-v. S. No. E-4751.)

On February 27, 1924, the United States attorney for the District of Massachusetts, 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 1 can containing 8 pounds of color, remaining in the original unbroken package at Dedham, Mass., alleging that the article had been shipped by L. Feldman & Co., New York, N. Y., on or about December 21, 1923, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Three Star Brand Color Special Egg Shade * * * L. Feldman & Co., 46 Fulton St., New York."

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

Misbranding was alleged for the reason that the statements appearing on the label affixed to the can containing the article, namely, "All The Colors Herein Contained Have Been Separately Certified To The U. S. Dept. Of Agriculture Under Lot Nos. 4755-4707 Certified Pure Food Colors Three Star Brand Color Special Egg Shade," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 15, 1924, 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.*

12280. Adulteration and misbranding of color. U. S. v. 2 Cans of Cream Yellow Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17428. I. S. No. 118-v. S. No. E-4328.)

On March 28, 1923, the United States attorney for the Northern District of New York, 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