

former contained not less than 8½ per cent of crude protein, not less than 4 per cent of crude fat, and not more than 10 per cent of crude fiber, and that the latter contained not less than 8 per cent of crude protein, whereas, in truth and in fact, the former portion of the article contained less crude protein, less crude fat, and more crude fiber than declared, and the latter portion contained less than 8 per cent of crude protein.

On September 8, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

**12811. Adulteration and misbranding of cheese. U. S. v. 15 Boxes of Cheese. Product ordered destroyed.** (F. & D. No. 18719. I. S. No. 17782-v. S. No. C-4408.)

On June 2, 1924, the United States attorney for the Eastern District of Michigan, 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 15 boxes of cheese, consigned from Chicago, Ill., remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., May 27, 1924, in interstate commerce, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Daisy Brand Dutch Cheese Chicago Cheese and Farm Products Co. This product is made of natural soured curd free from animal fat flavored with nut substances. Complies with all pure food laws."

Adulteration of the article was alleged in the libel for the reason that cocoanut oil had been mixed and packed therewith so as to injuriously affect its quality, and for the further reason that cheese made from foreign substances had been substituted wholly or in part for cheese made from animal fat.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, cheese, which is a product made from animal fat. Misbranding was alleged for the further reason that the article was labeled "cheese," which is required by law to be made from animal fat substances, so as to deceive and mislead the purchaser, and for the further reason that the statement "cheese" was false and misleading in that the said product contained foreign fat.

On July 3, 1924, the product having been theretofore ordered by the court to be sold and no market appearing to exist for its sale, judgment of the court was entered, ordering that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**12812. Misbranding of butter. U. S. v. William F. Erving. Plea of guilty. Fine, \$100.** (F. & D. No. 17615. I. S. Nos. 11255-v, 11256-v, 11804-v, 11805-v.)

On November 20, 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 an information against William F. Erving, San Francisco, Calif., alleging shipment by said defendant, in violation of the food and drugs act, in part on or about March 20, 1923, and in part on or about March 27, 1923, from the State of California into the Territory of Hawaii, of quantities of butter which was misbranded. A portion of the article was labeled in part: "Ilima Brand Choicest 1 Pound." The remainder of the article was labeled in part: "Lehua Brand Extra Creamery Butter Net Weight One Pound."

Examination by the Bureau of Chemistry of this department showed that the average net weight of 110, 60, 120, and 120 packages from the 4 consignments was 15.61, 15.83, 15.70, and 15.79 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "1 Pound" or "Net Weight One Pound," borne on the packages containing the article, were false and misleading in that the said statements represented that the packages contained 1 pound of butter, or contained 1 pound net weight of butter, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 1 pound of butter, or contained 1 pound net weight of butter, as the case might be, whereas, in truth and in fact, the said packages did not contain 1 pound, or 1 pound net weight, of butter 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 April 24, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

**12813. Adulteration of canned salmon. U. S. v. 1,936 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18922. I. S. No. 7761-v. S. No. W-1557.)**

On or about August 21, 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 1,936 cases of canned salmon, consigned by the A. & P. Products Corp., remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped from Cape Edwards, Alaska, July 20, 1924, 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) "Iona Brand Pink Salmon Packed \* \* \* By The A. & P. Products Corporation."

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.

During the month of September, 1924, the A. & P. Products Corp., claimant, having admitted the allegations of the libel 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 bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

**12814. Adulteration of canned salmon. U. S. v. 640 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19023. I. S. No. 20184-v. S. No. W-1591.)**

On September 27, 1924, 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 640 cases of salmon, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Bristol Bay Packing Co., from Bristol Bay, Alaska, alleging that the article had been shipped from Bristol Bay, Alaska, arriving in San Francisco, on or about August 26, 1924, and transported from the Territory of Alaska into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Battle Ax Brand Red Salmon Bristol Bay Pkg. Co. Bristol Bay, Alaska, U. S. A."

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

On October 23, 1924, the Bristol Bay Packing Co., claimant, 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 bond in the sum of \$7,000, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**12815. Misbranding of boned chicken. U. S. v. 387 Cases and 113 Cases of Boned Chicken. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18899. I. S. Nos. 20412-v, 20413-v. S. No. W-1545.)**

On August 7, 1924, 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 387 cases, each containing 2 dozen 6-ounce cans, and 113 cases, each containing 2 dozen 13-ounce cans, of boned chicken, remaining in the