

Misbranding was alleged with respect to the sirup, tea, and coffee involved in all the consignments for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$370.

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

12931. Adulteration of frozen mixed eggs. U. S. v. 135 Cans of Frozen Mixed Eggs. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 18440. I. S. No. 13137-v. S. No. E-4767.)

On March 1, 1924, 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 135 cans of frozen mixed eggs, at Jersey City, N. J., alleging that the article had been shipped by the Franklin Egg Co., Inc., from New York, N. Y., on or about June 7, 1923, and transported from the State of New York into the State of New Jersey, 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 in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 22, 1924, the claimant of the property 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 destroyed by the United States marshal.

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

12932. Adulteration and misbranding of butter. U. S. v. 4 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19123. I. S. No. 16878-v. S. No. E-4965.)

On October 21, 1924, the United States attorney for the District of Rhode Island, 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, each containing 80 prints, of butter, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Mt. Mansfield Co-operative Creamery & Grain Assoc., Inc., Stowe, Vt., and transported from the State of Vermont into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Wrapper) "Mt. Mansfield Jersey Brand Fancy Creamery Butter Manufactured By Mt. Mansfield Co-op. Creamery & Grain Ass'n., Inc., Stowe, Vermont."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the statement appearing in the label, "Fancy Creamery Butter," was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

During the month of December, 1924, the Mt. Mansfield Co-operative Creamery & Grain Assoc., Inc., having appeared as claimant for the property, 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 \$300, in conformity with section 10 of the act.

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

12933. Misbranding of butter. U. S. v. Beatrice Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18744. I. S. No. 15163-v.)

On August 6, 1924, 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 the Beatrice Creamery Co., a corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about

January 22, 1924, from the State of Illinois into the District of Columbia, of a quantity of butter which was misbranded. The article was labeled in part: "Pasteurized Meadow Gold Butter * * * Beatrice Creamery Company Contents One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 120 prints from the consignment showed that the average net weight of the said prints was 15.6 ounces.

Misbranding of the article was alleged in counts 1 and 2 of the information for the reason that the statement "Contents One Pound Net Weight," borne on the packages containing the article, was false and misleading, in that the said statement represented that the packages contained 1 pound of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 1 pound net of butter, whereas each of said packages did not contain 1 pound net of butter but did contain a less amount.

Misbranding was alleged in count 3 of the information for the 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 31, 1924, a plea of guilty to count 3 of the information was entered on behalf of the defendant company, and the court imposed a fine of \$50. Counts 1 and 2 of the information were dismissed.

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

12934. Misbranding of coffee. U. S. v. the Independence Coffee & Spice Co., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 18752. I. S. Nos. 8547-v, 12108-v.)

On December 2, 1924, 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 an information against the Independence Coffee & Spice Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 8, 1924, from the State of Colorado into the State of New Mexico, and on or about January 11, 1924, from the State of Colorado into the State of Nebraska, of quantities of coffee which was misbranded. The article in the shipment of January 8 was labeled in part: (Package) "From Independence Coffee & Spice Co. Denver, Colo. * * * 30 1 Lb. Cans;" (can) "One Pound Steel Cut Breakfast Call Coffee." The article in the shipment of January 11 was labeled in part: (Package) "36 Lb. Tins Breakfast Call Coffee & Spice Co. Denver Colo.;" (can) "One Pound Steel Cut Breakfast Call Coffee * * * The Independence Coffee and Spice Co. Denver, Colo."

Examination by the Bureau of Chemistry of this department of 30 cans of the product from the first consignment and 216 cans from the other consignment showed that the average net weight of the cans examined from each shipment was 15.57 ounces.

Misbranding of the article was alleged in the information for the reason that the statements "30 1 Lb. Cans" and "36 Lb. Tins," borne on the packages containing the respective consignments, and the statement "One Pound," borne on the cans contained in the said packages, were false and misleading, in that the said statements represented that the cans contained 1 pound of coffee, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained 1 pound of coffee, whereas they did not 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 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

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

12935. Misbranding and alleged adulteration of tomato paste. U. S. v. 392 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19218. I. S. No. 19060-v. S. No. C-4546.)

On December 2, 1924, 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 a libel praying the seizure