

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

and condemnation of 392 cases of tomato paste, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Jose, Calif., September 30, 1924, and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Sirena Brand Tomato Sauce \* \* \*;" (case) "Sirena Brand Tomato Paste."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored product had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Tomato Paste," appearing on the labels, were false and misleading and deceived and misled the purchaser when applied to a tomato sauce or paste containing artificial color.

On December 26, 1924, Viviano Bros. Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the cans and cases be stamped, "Artificially Colored," under the supervision of this department.

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

**12936. Adulteration and misbranding of mixed oats. U. S. v. 150 Sacks of Mixed Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. No. 13691. I. S. No. 18308-v. S. No. E-3928.)

On or about May 20, 1924, the United States attorney for the Western 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 a libel praying the seizure and condemnation of 150 sacks of mixed oats, at Waynesville, N. C., alleging that the article had been shipped by S. Zorn & Co., Louisville, Ky., May 9, 1924, and transported from the State of Kentucky into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mixed Oats & Other Grains Crescent Zorn Bleached Grain," the words "Other Grains" being inconspicuously placed on the label.

Adulteration of the article was alleged in the libel for the reason that a substance, screenings, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Mixed Oats" was false and misleading and deceived and misled the purchaser, in that the said statement purported the article to be mixed oats, whereas it was not but was an admixture of screenings bleached with sulfur dioxide, and the words "Other Grains," being inconspicuously placed, did not correct the misleading impression. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, mixed oats.

On June 2, 1924, S. Zorn & Co., Louisville, Ky., 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Bleached Crescent Grain Screenings."

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

**12937. Adulteration and misbranding of evaporated milk. U. S. v. 580 Cases of Evaporated Milk. Decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 17982, 17983. I. S. No. 874-v. S. No. E-4568.)

On or about November 21, 1923, the United States attorney for the Eastern District of South Carolina, 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 580 cases of evaporated milk, remaining in the original unbroken packages at Charleston, S. C., alleging that