

sey into the State of Pennsylvania, of quantities of sweet chocolate coating which was adulterated and misbranded. A portion of the article was labeled, "Dandy 349-30803 Sweet Chocolate Coating." The remainder of the said article was labeled in part: "Dandy \* \* \* Sweet Choc. Ctg."

Analyses by the Bureau of Chemistry of this department of a sample from each of the consignments showed that they contained excessive quantities of cocoa shells.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an excessive amount of cocoa shells, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for sweet chocolate coating, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Chocolate," with respect to a portion of the product, and the statement "Dandy Choc. Ctg.," with respect to the remainder thereof, appearing on the labels, were false and misleading, in that they represented the article to be unadulterated chocolate, 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 unadulterated chocolate, whereas, in truth and in fact, it was not unadulterated chocolate, in that it contained an excessive amount of cocoa shells.

On January 26, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13145. Adulteration of butter. U. S. v. 51 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed.** (F. & D. No. 19865. I. S. No. 23129-v. S. No. C-4646.)

On or about February 11, 1925, 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 51 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Medina Butter Co., from Deerfield, Wis., February 3, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On February 16, 1925, H. C. Christians Co., Chicago, Ill., 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed so as to remove the excess water and raise the butterfat content to not less than 80 per cent.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13146. Adulteration of canned salmon. U. S. v. 379 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18965. I. S. No. 20232-v. S. No. W-1582.)

On September 13, 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 379 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Superior Fisheries, from Tenakee, Alaska, August 21, 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: "Gorman's Pink Salmon."

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 December 20, 1924, the Superior Fisheries Co., 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 \$500, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13147. Adulteration of canned cut green beans. U. S. v. 330 Cases of Canned Cut Green Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18929. I. S. No. 18880-v. S. No. C-4036.)**

On or about August 28, 1924, the United States attorney for the Eastern District of Wisconsin, 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 330 cases of canned cut green beans, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by John H. Leslie Co., from Chicago, Ill., on or about March 15, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Asper Brand Cut Green Stringless Beans \* \* \* Aspers Fruit Products Co., Aspers, Pa."

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

On January 28, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13148. Misbranding of butter. U. S. v. 16 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19864. I. S. No. 16295-v. S. No. E-5145.)**

On February 21, 1925, the United States attorney for the Northern District of Georgia, 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 16 cases of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by Armour Creameries, from Louisville, Ky., on or about January 21, 1925, and transported from the State of Kentucky into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "32 Lbs. Net. 32," (carton) "1 Pound Net Weight Greenfield Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the statement "1 Pound Net Weight," borne on the cartons containing the article, and the statement "32 Lbs. Net Weight," borne on the cases, were false and misleading and deceived and misled the purchaser into the belief that each of the said cartons contained 1 pound net of butter and that each of said cases contained 32 pounds net of butter, whereas, in truth and in fact, the said cartons contained less than 1 pound of butter, and the said cases contained less than 32 pounds of butter. Misbranding was alleged for the further reason that the article was food in package form and the contents of the packages were not plainly and conspicuously marked on the outside thereof.

On February 27, 1925, Morris & Co. 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, conditioned in part that it be relabeled to show the correct weight.

R. W. DUNLAP, *Acting Secretary of Agriculture.*