

and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Lopez's Cove Oysters Beauty Brand Contains between 4½ to 5 Ozs. Oysters Packed by Lopez-Desporte Packing Co., Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that water, or brine, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the drained weight of oysters contained in the cans was less than stated on the label.

On May 15, 1925, the owner of the product having appeared and confessed the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, said decree providing, however, that it might be released to the claimant, Southern Factors (Inc.), 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13358. Adulteration and misbranding of butter. U. S. v. Community Creamery Co. Plea of nolo contendere. Fine, \$100. (F & D. No. 19263. I. S. No. 980-v, 16601-v, 16602-v.)**

On February 14, 1925, the United States attorney for the Western 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 an information against the Community Creamery Co., a corporation, Chester, S. C., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about January 25, 1924, and May 19, 1924, respectively, from the State of South Carolina into the States of Georgia and North Carolina, respectively, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "Community Brand Extra Fancy Creamery Butter \* \* \* Community Creamery Co. Chester, S. C. One Pound Net." The remainder of the said article was labeled in part: "Pure Creamery Butter."

Analyses by the Bureau of Chemistry of this department of a sample from each of the three consignments of the product showed that the said samples contained 79.45 per cent, 79.19 per cent, and 79.36 per cent, respectively, of milk fat. Examination by said bureau of 120 cartons from the consignment of Community brand butter showed that the average net weight was 15.60 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in butterfat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "One Pound Net," with respect to a portion of the product, and the statement "Pure Creamery Butter," with respect to the remainder thereof, borne on the labels, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter and that the packages containing a portion of the product each contained 1 pound net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article consisted wholly of creamery butter and that the packages containing a portion of the product each contained 1 pound net thereof, whereas it did not consist wholly of creamery butter but did consist of a product deficient in milk fat, and each of the packages containing the said portion of the product did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the statement "Butter," borne on the labels, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged with respect to a portion of the product for the further reason that it was food in

package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 10, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13359. Adulteration of canned salmon. U. S. v. Carlisle Packing Co. Plea of guilty. Fine, \$100. (F. & D. No. 19253. I. S. No. 11493-v.)**

At the November, 1924, term of the United States District Court, within and for the Western District of Washington, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Carlisle Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about August 14, 1923, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

Examination of a sample consisting of 960 cans of the article by the Bureau of Chemistry of this department showed that 173 cans or 18 per cent of the cans contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On January 12, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13360. Adulteration and misbranding of butter. U. S. v. 32 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17586. I. S. No. 678-v. S. No. E-4422.)**

On June 30, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying the seizure and condemnation of 32 boxes, each containing 32 1-pound prints, of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia by Morris & Co., a branch of the North American Provision Co., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Morris' Supreme Fancy Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for butter, which the said article purported to be, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the label, was false and misleading, in that it represented that the article was butter, and for the further reason that it was labeled "Butter," so as to deceive and mislead the purchaser into the belief that it was butter, whereas it was not butter but was a product containing excessive moisture and deficient in butterfat.

On August 20, 1923, the North American Provision 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 \$1,200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13361. Adulteration and misbranding of evaporated apples. U. S. v: 21 Cases of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 20010. I. S. No. 21836-v. S. No. C-4714.)**

On April 16, 1925, the United States attorney for the Eastern District of Kentucky, 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 21 cases of evaporated apples, at Ashland, Ky., alleg-