

Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "One Pound Net Weight Armour's Cloverbloom \* \* \* Butter. Armour And Company General Offices, Chicago Distributors."

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, paragraphs 2 and 3, under "Food," in that it was short weight.

On August 21, 1925, Armour & 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 deposit of a cash bond in the sum of \$75, said bond being conditioned in part that the product not be sold or otherwise disposed of contrary to law, and that it be made to conform with the food and drugs act under the supervision of this department.

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

**13776. Misbranding of cold pressed cotton seed. U. S. v. Frio Cotton Oil Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 19005. I. S. No. 12303-v.)**

On November 15, 1924, the United States attorney for the Western District of Texas, 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 Frio Cotton Oil Co., a corporation, Pearsall, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 25, 1923, from the State of Texas into the State of Kansas, of a quantity of cold pressed cotton seed which was misbranded. The article was labeled in part: "Cold Presst Cotton Seed 100 Lbs. Net."

Examination by the Bureau of Chemistry of this department of 40 unopened sacks of the article showed an average net weight of 94.7 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Cotton Seed 100 Lbs. Net," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that the sacks each contained 100 pounds of the article, 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 sacks each contained 100 pounds of the article, whereas the sacks did not each contain 100 pounds of the article 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, since the actual contents of the sacks was less than the declared amount.

On April 20, 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.*

**13777. Adulteration of butter. U. S. v. 21 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20319. I. S. No. 5308-x. S. No. E-5433.)**

On July 16, 1925, the United States attorney for the District of Massachusetts, 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 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned June 29, 1925, alleging that the article had been shipped by the Caspian Creamery Co., Greensboro, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

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 in that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted.

On July 21, 1925, F. A. Messer, Montpelier, Vt., having appeared as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

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