

amended, on or about May 18, 1921, from the State of Texas into the State of Louisiana, of a quantity of butter which was misbranded. The article was labeled in part: "Contents One Pound Net * * * Magnolia Brand Butter Manufactured By Magnolia Dairy Products Co., Houston, Texas."

Examination by the Bureau of Chemistry of this department showed that the average net weight of 20 prints was 15.2 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents One Pound Net," borne on the cartons containing the article, was false and misleading, in that the said cartons did not each contain 1 pound net of butter but did contain a less quantity, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that each of the cartons contained 1 pound net of butter, whereas each of said cartons contained a less quantity. 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 November 5, 1925, a jury having been waived by the parties, the case came on for trial before the court. After the submission of evidence and arguments by counsel, the court entered a judgment of guilty against the defendants and imposed a fine of \$10 and costs.

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

13996. Misbranding of canned corn. U. S. v. 165 Cases and 246 Cases of Canned Corn. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 20114, 20115. I. S. Nos. 23856-v, 23857-v, 23862-v. S. Nos. C-4745, C-4746.)

On June 12 and 13, 1925, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 411 cases of canned corn, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by the New Vienna Canning Co., from New Vienna, Ohio, during the month of October, 1924, and transported from the State of Ohio into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Maple Sweet Brand Evergreen Sugar Corn Contents 1 Lb. 4 Oz. * * * Packed by New Vienna Company, New Vienna, Ohio." The remainder of the said article was labeled in part: "Nun-so-good Brand Evergreen Sugar Corn Contents 1 Lb. 4 Oz. * * * Packed By New Vienna Canning Co. New Vienna, Ohio."

Misbranding of the article was alleged in the libels for the reason that the statement "Contents 1 Lb. 4 Oz.," borne on the labels, was false and misleading and deceived and misled 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.

On July 11, 1925, the Cohn Flour & Feed Co. and Holmes & Barnes, Ltd., both of Baton Rouge, La., having appeared as claimants for respective portions of the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,100, in conformity with section 10 of the act, conditioned in part that the statement "Contents 1 Lb. 4 Oz." be obliterated and the product rebranded.

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

13997. Adulteration and misbranding of butter. U. S. v. Holston Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19328. I. S. No. 19832-v.)

On February 23, 1925, the United States attorney for the Western District of Virginia, 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 Holston Creamery Co., a corporation, Bristol, Va., alleging shipment by said company, in violation of the food and drugs act, on or about August 22, 1924, from the State of Virginia into the State of Tennessee, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Holston Brand Creamery Butter * * * One Pound Net Made by Holston Creamery Co. * * * Bristol, Va."

Analysis by the Bureau of Chemistry of this Department of a sample of the article showed that it contained 77.6 per cent of milk fat. Examination by said bureau of 8 prints showed an average net weight of 15.75 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the 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 law.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "One Pound Net," borne on the packages containing the said article, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter and that each of said packages 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 it consisted wholly of creamery butter and that each of said packages 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 said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the packages, was false and misleading, in that it represented that the said article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, 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 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 November 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

13998. Adulteration and misbranding of butter. U. S. v. Union Creamery Co. Plea of guilty. Fine, \$200. (F. & D. No. 19659. I. S. No. 21132-v.)

On June 22, 1925, the United States attorney for the District of Oregon, 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 Union Creamery Co., a corporation, La Grande, Oreg., alleging shipment by said company, in violation of the food and drugs act, on or about January 21, 1925, from the State of Oregon into the State of Washington, of a quantity of butter which was adulterated and misbranded.

Examination by the Bureau of Chemistry of this Department of samples of the article showed that it contained 77.98 per cent and 78.95 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by law.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter, in that it contained less than 80 per cent by weight of milk fat, the minimum milk fat content of butter as prescribed by the act of March 4, 1923.

On November 21, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

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

13999. Adulteration of canned tomatoes. U. S. v. 1,248 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20534. I. S. No. 5343-x. S. No. E-5524.)

On October 28, 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 1,248 cases of canned tomatoes, remaining in