

labels so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was not butter, in that it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On April 20, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a penalty of \$75 in lieu of fine and costs.

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

14329. Adulteration of shell eggs. U. S. v. Judson Pitman. Plea of guilty. Fine, \$50. (F. & D. No. 19673. I. S. Nos. 3624-x, 3625-x, 3627-x.)

On February 4, 1926, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Judson Pitman, Murray, Ky., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about July 9, 15, and 16, 1925, respectively, from the State of Kentucky into the State of Alabama, of quantities of shell eggs which were adulterated. The article was labeled in part: "Judson Pitman * * * Shipped From Murray, Ky."

Examination by the Bureau of Chemistry of this department of a number of cases from each shipment showed 13.8 per cent, 22 per cent and 13.7 per cent, respectively, of inedible eggs.

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

On April 20, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

14330. Misbranding of butter. U. S. v. 12 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20091. I. S. No. 14873-v. S. No. C-4728.)

On April 24, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 cases of butter, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Paul A. Schulze Co., St. Louis, Mo., on or about April 17, 1925, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Jersey Belle Creamery Butter One Pound Net Weight * * * Paul A. Schulze Co. St. Louis, Mo."

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of said act, general paragraph and paragraphs 2 and 4, in that it was not packed in units of one pound each in accordance with its label, but said units contained less than 1 pound each, and in 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.

It was further alleged in the libel that the butter contained less than 80 per cent of butterfat, in violation of the act of Congress of March 4, 1923.

On December 2, 1925, the Paul A. Schulze Co., St. Louis, Mo., having appeared as claimant for the property and having confessed the allegations of the libel, a decree was entered, adjudging that the product contained less than 80 per cent of milk fat, in violation of the act of March 4, 1923, and that it was improperly labeled, and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$125, conditioned in part that it be reworked and reconditioned in compliance with the law.

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

14331. Misbranding and alleged adulteration of canned peas. U. S. v. 543 Cases of Canned Peas. Decree entered, adjudging product misbranded and ordering its release under bond. (F. & D. No. 20773. I. S. No. 4486-x. S. No. C-4932.)

On January 16, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure

and condemnation of 543 cases of canned peas, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Bark River Packing Co., Merton, Wis., on or about November 27, 1925, and transported from the State of Wisconsin into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Red Rose (Robe) Brand Little Miss Muffet Peas."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Peas," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 14, 1926, the Rosen-Reichardt Brokerage Co., St. Louis, Mo., having appeared as claimant for the property, a decree was entered, adjudging the product misbranded and liable to seizure, condemnation, and confiscation, and it was ordered by the court that the product be released to the said claimant under the terms of a bond conditioned that it be relabeled as follows: "Slack-filled, contains excessive brine, contents 12.2 ounces of peas. This can should contain 13.5 ounces of peas," and that the claimant pay the costs of the proceedings.

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

14332. Adulteration and misbranding of apples. U. S. v. Joseph E. Almeder (Almeder, Eames & Co.). Plea of nolo contendere. Case placed on file. (F. & D. No. 19247. I. S. No. 10545-v.)

On January 7, 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 an information against Joseph E. Almeder, trading as Almeder, Eames & Co., Boston, Mass., alleging shipment by said defendant, in violation of the food and drugs act, on or about October 1, 1923, from the State of Massachusetts into the State of Maine, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: "Massachusetts Standard Fancy Grade Min. Size 2-3/4 Inches * * * Packed By Almeder Eames & Co., Boston, Mass."

Adulteration of the article was alleged in the information for the reason that apples of a lower grade than Massachusetts standard fancy grade apples and less than 2 3/4 inches in diameter each had been substituted in part for Massachusetts standard fancy grade apples of not less than 2 3/4 inches in diameter each, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Massachusetts Standard Fancy Grade Min. Size 2-3/4 Inches," borne on the barrels containing the article, was false and misleading, in that the said statement represented that the said apples were Massachusetts standard fancy grade apples of not less than 2 3/4 inches in diameter each, and for the further reason that the apples were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were Massachusetts standard fancy grade apples of not less than 2 3/4 inches in diameter each, whereas they were of lower grade than represented and less than 2 3/4 inches in diameter each. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article.

On May 20, 1926, the defendant entered a plea of nolo contendere to the information, and the court ordered the case placed on file.

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

14333. Adulteration and misbranding of linseed oil meal. U. S. v. The Mann Bros. Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19292. I. S. Nos. 10597-v, 10598-v, 13709-v, 15997-v, 16021-v.)

On March 10, 1925, the United States attorney for the Western District of New York, 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 Mann Bros. Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or