

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

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 8, 1927, the Alberta Creamery & Produce Co., Alberta, Minn., 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 \$720, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

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

15289. Adulteration and misbranding of canned oysters. U. S. v. Harold F. Atwood (Meridian Canning Co.). Plea of guilty. Fine, \$25.
(F. & D. No. 19306. I. S. Nos. 11776-v, 11777-v, 18116-v, 18117-v.)

On March 6, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harold F. Atwood, trading as the Meridian Canning Co., Meridian, Ga., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about November 15, 1923, from the State of Georgia into the State of Tennessee, and on or about November 16, 1923, from the State of Georgia into the State of Alabama, of quantities of canned oysters, which were adulterated and misbranded. The article was labeled in part: "Meridian Brand—Net Contents 5 Ounces Oysters—Oysters, Packed By Meridian Canning Co., Meridian Ga."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, excessive liquid, had been substituted in part for 5 ounces of oyster meat which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Net Contents 5 Ounces Oysters," borne on the can label, was false and misleading, in that the said statement represented that the cans each contained 5 ounces of oyster meat, 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 cans each contained 5 ounces of oyster meat, whereas they did not, 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 cans contained less than declared.

On November 1, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

15290. Adulteration and misbranding of noodles. U. S. v. 162 Boxes of Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21463. I. S. No. 14369-x. S. No. C-5292.)

On December 14, 1926, the United States attorney for the Eastern District of Michigan, 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 162 boxes of noodles, remaining unsold in the original boxes at Detroit, Mich., alleging that the article had been shipped by the Viviano Brothers Co., from Chicago, Ill., November 20, 1926, and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Triumph Brand Bologna Style * * * Artificially Colored Chicago Macaroni Company, Chicago, U. S. A.," "Tagliatelle Yellow Nested Noodles."

Adulteration of the article was alleged in the libel for the reason that a substance containing little or no egg 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. Adulteration was alleged for the further reason that the article had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Yellow Nested Noodles," borne on the label, was false and misleading and deceived and

misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On April 14, 1927, 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.

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

15291. Adulteration of butter. U. S. v. 8 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 22010. I. S. No. 12966-x. S. No. 37.)

On or about July 18, 1927, 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 seizure and condemnation of 8 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Farmers Creamery Co., Livingston, Mont., June 29, 1927, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it was deficient in milk fat content.

On July 27, 1927, the Farmers Creamery Co., Livingston, Mont., 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 \$225, conditioned in part that it be reconditioned under the supervision of this department to conform with the law.

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

15292. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 22011. I. S. No. 12925-x. S. No. 28.)

On or about July 14, 1927, 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 seizure and condemnation of 5 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Idaho Creamery Co., Rupert, Idaho, June 24, 1927, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it was deficient in butterfat content.

On July 27, 1927, the Idaho Creamery Co., and W. A. Snapp, claimants, 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 claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, conditioned in part that it be reconditioned under the supervision of this department to conform with the law.

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

15293. Adulteration of tomato paste. U. S. v. 270 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction.
(F. & D. Nos. 21479 to 21485, incl. I. S. Nos. 12034-x, 12037-x. S. No. C-5286.)

On December 22, 1926, 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 270 cases of tomato paste, at New Orleans, La., alleging that the article had been shipped by John S. Mitchell, Inc., Windfall, Ind., on or about September 21, 1926, and transported from the State of Indiana into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (cans) "Regal Brand (or "Imperial Brand") Pure Tomato Paste Distributed By John S. Mitchell, Inc., Windfall, Ind."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.