

ton Net," and "½ Gallon Net," "Quest Olio di oliva Risulta Assolutamente Puro Sotto Analisi Chimica," "Unexcelled for Table or Medicinal Use," were false and misleading and deceived and misled the purchaser; 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 packages, and the statements made were not correct; for the further reason that the article purported to be a foreign product when not so; and for the further reason that it was offered for sale under the distinctive name of another article.

On June 11, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16618. Adulteration and misbranding of chocolate coatings. U. S. v. Runkel Bros. (Inc.). Plea of guilty. Fine, \$250. (F. & D. No. 23709. I. S. Nos. 15803-x, 15804-x, 16334-x, 16359-x, 16364-x, 20073-x, 21450-x, 22024-x, 22025-x, 22027-x.)**

On May 6, 1929, the United States attorney for the Southern 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 Runkel Bros. (Inc.), a corporation, New York, N. Y., alleging shipment by said company, between the dates of October 20, 1927, and February 29, 1928, from the State of New York, in various lots into the States of Ohio, Maryland, Pennsylvania, Connecticut, and Colorado, respectively, of quantities of chocolate coatings, which were adulterated and misbranded. The articles were labeled, variously: (Packages) "1912 Bitter Covering;" "Runkel's Peary Chocolate Sweet 10 Lbs.;" "Runkel's Pet Milk Chocolate Sweet 10 Lbs.;" "Runkel's Yukon E. T. Chocolate Sweet 10 Lbs.;" "Runkel's None-Such Chocolate Sweet 10 Lbs.;" "Runkel's Duplex Chocolate Sweet 10 Lbs.;" and "Runkel's Starlight Chocolate Sweet, 10 Lbs."

It was alleged in the information that the articles were adulterated in that products other than bitter covering, chocolate sweet, or milk chocolate sweet, as the case might be, had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength of the said articles, and had been substituted in part for bitter covering, chocolate sweet, or milk chocolate sweet, which the articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Bitter Covering," "Chocolate Sweet," and "Milk Chocolate Sweet," borne on the respective labels, were false and misleading in that the said statements represented that the alleged bitter covering was bitter covering, and that the remainder of the said products consisted wholly of chocolate sweet, or milk chocolate sweet, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that a portion thereof was bitter covering and that the remainder thereof consisted wholly of chocolate sweet or milk chocolate sweet, whereas the said articles consisted in part of products other than bitter sweet, chocolate sweet, and milk chocolate sweet, respectively. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On June 10, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16619. Adulteration and misbranding of butter. U. S. v. 28 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23886. I. S. No. 03909. S. No. 2059.)**

On June 26, 1929, the United States attorney for the Eastern District of Pennsylvania, 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 28 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the David Cole Creamery Co., Omaha, Nebr., alleging that the article had been shipped from Omaha, Nebr., on or about June 20, 1929, and transported from the State of Nebraska into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted