

decree was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$450, conditioned that it be properly labeled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16633. Misbranding of salad oil. U. S. v. Terminal Packing Co. Plea of guilty. Defendant ordered to pay \$50 in lieu of costs. (F. & D. No. 22579. I. S. Nos. 16499-x, 16500-x, 21026-x, 21027-x, 21028-x.)

On November 27, 1928, 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 the Terminal Packing Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act as amended, in various lots, on or about October 24, November 9, and November 12, 1927, respectively, from the State of Massachusetts into the State of Rhode Island, of quantities of salad oil which was misbranded. The article was labeled in part, variously: "0.97% of ½ Gal. or ¾ Lbs. Net (or "0.97% of 1 Gal. or 1½ Lbs. Net") Star White Brand Salad Oil * * * Terminal Packing Co. Boston, Mass.;" "Net Contents 0.98 of 1 Gal. or 1½ Lbs. Net Marca Tre Cavalli Olio Per Insalata * * * A Pure Vegetable Oil of Finest Quality For Salads, Cooking, Mayonnaise, Etc.;" "Salad Oil Superfine Rosa Brand Pure Salad Oil * * * Boston, Mass. Net Contents 0.98 of One Quart or 1⅞ Lbs. (or "Net Contents 0.98 of Half Gallon or ¾ Lbs.")."

It was alleged in the information that the article was misbranded in that the statements, to wit, "0.97% of ½ Gal. or ¾ Lbs. Net," "0.97% of 1 Gal. or 1½ Lbs. Net," "Net Contents 0.98 of 1 Gal. or 1½ Lbs. Net," "Net Contents 0.98 of One Quart or 1⅞ Lbs.," and "Net Contents 0.98 of Half Gallon or ¾ Lbs.," as the case might be, borne on the cans containing the article, were false and misleading in that the said statements represented that the cans contained the amount of the product declared on the label, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained the said declared amount of the product, 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.

On December 17, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered that the said defendant pay the sum of \$50 in lieu of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16634. Misbranding of poultry greens. U. S. v. 800 Sacks of Atlas Poultry Greens. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23119. I. S. No. 0127. S. No. 1222.)

On October 25, 1928, the United States attorney for the Southern District of Florida, 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 800 sacks of Atlas poultry greens, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the A. W. Scott Co., from San Francisco, Calif., on or about September 22, 1928, and transported from the State of California into the State of Florida, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Atlas Poultry Greens Manufactured by the A. W. Scott Co., San Francisco, California. Guaranteed Analysis Crude Protein, not less than 20 per cent, Crude Fat, not less than 2 per cent, Crude Fiber, not more than 18 per cent."

It was alleged in the libel that the article was misbranded in that the statements, "Guaranteed Analysis Crude Protein, not less than 20 per cent, Crude Fiber, not more than 18 per cent," borne on the package or label, regarding the said article or the ingredients or substances contained therein were false and misleading and deceived and misled the purchaser.

On November 19, 1928, the Jackson Grain Co., a Florida corporation, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon