

Misbranding with respect to the portion of the article shipped December 3, 1927, was alleged for the reason that the statement, to wit, "100 Pounds Net," borne on the tag attached to the sacks containing the said portion, represented that each sack contained 100 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each sack contained 100 pounds net of the said article, whereas each of said sacks did not contain 100 pounds net of the article, but each of a number of said sacks contained less than 100 pounds net of the said article. Misbranding was alleged with respect to the said portion of the article 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, in that the correct quantity was not stated. Misbranding was alleged with respect to the remaining consignment of the article for the reason that the statement, "Guaranteed Analysis Protein not less than 43%," borne on the label, was false and misleading in that the said statement represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas the said article in a number of the sacks contained less than 43 per cent of protein.

On November 21, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17020. Adulteration of walnut meats. U. S. v. 20 Cases of Walnut Meats. Product ordered released under bond. (F. & D. No. 24387. I. S. No. 06219. S. No. 2637.)

On December 19, 1929, the United States attorney for the District of Utah, 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 20 cases of walnut meats, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by Leon Mayer, from Los Angeles, Calif., on or about November 29, 1929, and transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Lady Jane Brand Special Standard Amber."

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

On January 27, 1930, Leon Mayer, Los Angeles, Calif., claimant, having admitted the allegations of the libel, and having paid costs and filed a bond in the sum of \$400, a decree was entered ordering that the product be released to the said claimant to be reshipped to Los Angeles, Calif., and sorted and salvaged under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17021. Adulteration and misbranding of canned tomatoes. U. S. v. 3294 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24178. I. S. No. 017047. S. No. 2390.)

On or about October 24, 1929, the United States attorney for the District of Maryland, 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 3,294 cases of canned tomatoes, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Deep Point Canning Co., from Deep Point, Va., on or about September 10, 1929, and transported from the State of Virginia into the State of Maryland, 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, water, had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for tomatoes which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, canned tomatoes, whereas it was not, but was a product consisting of tomatoes and water.

On February 7, 1930, the Deep Point Canning Co., Richmond, Va., having appeared as claimant for the property, 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 costs and the execution of a

bond in the sum of \$5,000, conditioned in part that it should not be sold or disposed of until relabeled to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17022. Adulteration of canned tuna. U. S. v. 5 Cases, et al., of Canned Tuna. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24416, 24417, 24421. I. S. Nos. 019297, 019299, 019300, 019402. S. Nos. 2667, 2675, 2680.)

On January 7, 1930, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district three libels praying seizure and condemnation of 5 cases, and 700 cases, respectively, of canned tuna (the last libel subsequently amended to cover 68 cases actually seized), alleging that the article had been shipped by the Van Camp Sea Food Co., from San Diego, Calif., on or about November 24, 1929, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled, in part, variously: (Cans) "White Star Brand," "White Star Brand California Fancy Tuna Fish," "White Star Brand Tuna Fish Packed and Guaranteed by White Star Canning Co., Los Angeles * * * Calif."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 13, 1930, Ariss, Watson & Gault, Seattle, Wash., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17023. Adulteration and misbranding of cheese. U. S. v. 15 Boxes of Cheese. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24305. I. S. No. 025956. S. No. 2558.)

On or about December 12, 1929, the United States attorney for the Northern District of Illinois, 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 15 boxes of cheese at Chicago, Ill., alleging that the article had been shipped by Wuethrich Bros., Beaver Dam, Wis., November 6, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wisconsin No. 1 1641," and was invoiced "15 boxes Colby Twins Cheese."

It was alleged in the libel that the article was adulterated in that it had been sold and shipped as "Wisconsin No. 1" and "Colby Cheese," whereas excessive moisture had been substituted in part for whole milk cheese; and in that excessive moisture had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements on the label, "Wisconsin No. 1," and "Colby Cheese," implying whole milk cheese, were false and misleading and deceived and misled the purchaser.

On February 15, 1930, Alfred Wuethrich and Fred Wuethrich, trading as Wuethrich Bros., Beaver Dam, Wis., 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 costs and execution of a bond in the sum of \$1,000, conditioned in part that it be remanufactured under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17024. Adulteration and misbranding of butter. U. S. v. Darter Butter Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 22565. I. S. Nos. 20002, 20018, 20019.)

On August 8, 1928, 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 Darter Butter Co., a corporation, Bristol, Va., alleging shipment by said com-