there, denominated as to the contents thereof and labeled, marked, and branded as follows, to wit:

"P and G Contents 6 Lbs. 10 Oz. Red Raspberries Packed for Paxton and Gallagher Co. Omaha"

That said article of food, when shipped and delivered for shipment as aforesaid, was then and there misbranded within the meaning of said act of Congress, in that the statement, to wit, "Contents 6 Lbs. 10 Oz.", borne on the label attached to the case containing the article, regarding the article, was false and misleading, in this, that it represented that each of said cans contained 6 pounds 10 ounces of the article; whereas in truth and in fact, each of said cans did not contain 6 pounds 10 ounces of the article, but did contain a less amount.

II. That one George T. Daughters, an employee in the Food and Drug Administration of the Department of Agriculture of the United States, weighed at the premises of Paxton & Gallagher Co., at Cheyenne, Wyoming, sixty cans of the shipment aforementioned. That the average weight as found by said Daughters of the sixty cans was 6 lbs. 8.4 ozs. The two lowest net weights were 6 lbs. 7.49 ozs. and 6 lbs. 7.48 ozs., respectively. That the label on the cans as aforementioned designated the net contents of said cans to be 6 lbs. 10 ozs.

III. That on the 25th day of June, nineteen hundred and thirty-two, a criminal information was filed in the District Court of the United States for District of Oregon, charging the defendant herein with having shipped and delivered for shipment on or about October 21, November 12, December 11, 1930, and January 5, 1931, from the State of Oregon, into the States of Kansas, South Dakota, Oklahoma, and California, in violation of said act of Congress of June 30, 1906, an article of food, to wit, canned prunes, which were then and there adulterated within the meaning of said act.

That on the 25th day of June, nineteen hundred and thirty-two, in said court, the defendant pleaded guilty to the information so filed, was adjudged guilty, convicted, and was fined $100, all of which will more fully and at large appear by reference to record of criminal proceedings No. C–13728, instituted at the March, 1932, term of court.

IV. The court further finds that the labels placed upon said merchandise named in the information in this action were furnished by the purchaser, to wit, Paxton & Gallagher Co. That the defendant, through mistake or error on the part of some one of its employees in not discovering that said labels did not bear the correct weight for said cans, placed said labels upon said cans.

V. The court further finds that there was no intention on the part of the defendant to violate the Food and Drugs Acts as alleged in the information.

The court, having entered its findings of fact, concluded as follows:

I. That intent, or wilful misbranding of the containers mentioned in the information in this case, is not a necessary allegation for a conviction of violation of the Food and Drugs Act.

II. That the defendant is guilty of both counts contained in the information and should be fined fifteen dollars ($15) on each of the counts contained in the information together with the costs of prosecution to be taxed according to law.

M. L. WILSON, *Acting Secretary of Agriculture.*

23865. Adulteration of canned salmon. U. S. v. Alaska Year Round Canneries Co. Plea of guilty. Fine, $300 and costs. (F. & D. no. 32113. Sample nos. 55278–A, 55279–A, 55287–A, 55288–A.)

This case was based on shipments of canned salmon, samples of which were found to be tainted or stale.

On June 25, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alaska Year Round Canneries Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 15 and July 23, 1933, from Seldovia, Alaska, into the State of Washington, of quantities of canned salmon which was adulterated. The article was labeled in part: (Cases) "Alaska Brand Salmon Red A Y R Co."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On November 12, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $300 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*