

oyster meat, whereas, in truth and in fact, each of said retail packages contained a much less quantity, to wit, 3.41 ounces of oyster meat, said retail packages being so labeled and branded as to deceive and mislead the purchaser thereof.

On February 12, 1914, the Tooker-O'Brien Co., St. Paul, Minn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceeding and the execution of bond in the sum of \$250 in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1914.*

3247. Adulteration and misbranding of butter. U. S. v. John Nacos. Plea of guilty. Fine, \$10. (F. & D. No. 196-c.)

On December 8, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court in the District aforesaid against John Nacos, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on October 23, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. The product bore no label. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for the butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On December 8, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1914.*

3248. Adulteration and misbranding of butter. U. S. v. Charles G. Georgean. Plea of guilty. Fine, \$10. (F. & D. No. 197-c.)

On November 24, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court in the District aforesaid against Charles G. Georgean, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on October 22, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. The product bore no label. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted for the butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On November 24, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1914.*

3249. Adulteration and misbranding of butter. U. S. v. William M. Burt. Plea of guilty. Fine, \$10. (F. & D. No. 198-c.)

On December 3, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed an information in the Police Court in the District aforesaid against William M. Burt, Washington, D. C., alleging

the sale by said defendant, in violation of the Food and Drugs Act, on October 18, 1913, at the District aforesaid, of a quantity of so-called butter which was adulterated and misbranded. The product bore no label. Adulteration of the product was alleged in the information for the reason that another substance, namely oleomargarine, had been substituted for the butter in whole or in part. Misbranding was alleged for the reason that the product was an imitation of butter and was offered for sale and was sold under the distinctive name of another article of food.

On December 3, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3250. Adulteration and misbranding of tomato ketchup. U. S. v. 88 Cases of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 199-c.)

On September 20, 1913, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Health Officer of said State, authorized by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel for the seizure and condemnation of 88 cases of tomato ketchup, 56 of which contained 2 dozen 9-ounce bottles and 32 of which contained 2 dozen 14-ounce bottles, remaining unsold in the original unbroken packages and in the possession of the Chestnutt Gibbons Grocery Co., Muskogee, Okla., alleging that the product had been shipped on November 20, 1912, and transported from the State of Pennsylvania into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled "Crubro Tomato Ketchup made from fresh ripe tomatoes, pure spices, granulated sugar, vinegar and salt, not artificially preserved or colored."

It was alleged in the libel that the product consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance; that it contained yeasts, spores, and bacilli in excessive amounts, which said yeasts, spores, and bacilli made the tomato ketchup impure, injurious, and deleterious to health. It was further alleged that the tomato ketchup contained an excessive amount of sand or other foreign element, not a proper ingredient of such a food. Misbranding of the product was alleged in the libel for the reason that the label on each and every bottle thereof was false and misleading by reason of the following statement, "Made from fresh ripe tomatoes, pure spices, granulated sugar, vinegar and salt," when, in truth and in fact, it was not made from fresh ripe tomatoes, but from tomatoes in pulp form, said pulp having been kept in cold storage by the Cruikshanks Bros. Co. for some time prior to its having been used as an ingredient in said ketchup.

On December 2, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding that the product had been manufactured and shipped by Cruikshanks Bros. Co., Pittsburgh, Pa., and it was ordered by the court that the product should be destroyed by the United States marshal and that the United States recover from said Cruikshanks Bros. Co. all the costs incurred in the action.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3251. Adulteration and misbranding of butter. U. S. v. Wesley L. Sadler. Plea of guilty. Fine, \$10. (F. & D. No. 200-c.)

On December 12, 1913, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by