

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, "100 Pounds," borne on the tags attached to the sacks containing the article, regarding the said article, was false and misleading in that it represented that each of the said sacks contained 100 pounds 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 of the said sacks contained 100 pounds of the article, whereas, in truth and in fact, each of the said sacks did not contain 100 pounds of the said article, but did contain a less amount. Misbranding of the article in each shipment was alleged for the 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 November 10, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11123. Adulteration and misbranding of chocolate. U. S. v. 6 Boxes of Dairy Maid Vanilla Chocolate, et al. Consent decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 15954. I. S. Nos. 15544-t, 15545-t, 15546-t, 15547-t, 15548-t. S. No. E-3757.)

On February 2, 1922, 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 a libel for the seizure and condemnation of 6 boxes of Dairy Maid vanilla chocolate, 4 boxes of Dairy Maid milk chocolate, 4 boxes of Dairy Maid brand milk chocolate dainties, 8 boxes of vanilla chocolate wafers, and 4 boxes of Dairy Maid brand vanilla chocolate dainties, remaining unsold in the original unbroken packages at New York, N. Y., consigned by the Brewster Sons Co., Newark, N. J., alleging that the articles had been shipped from Newark, N. J., on or about December 28, 1921, and January 9, 1922, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled variously: "1½ Ounces Dairy Maid Vanilla Chocolate Made by Brewster Sons Company Newark, N. J. 5 Cents;" "1½ Ounces Dairy Maid Milk Chocolate Made by Brewster Sons Company Newark, N. J. 5 Cents;" "2½ Pounds Dairy Maid Milk Chocolate Dainties Brewster Sons Company, Newark, N. J.;" "3 Pounds Nassau Vanilla Chocolate Wafers Brewster Sons Company, Newark, N. J.;" "2½ Pounds Dairy Maid Vanilla Chocolate Dainties Brewster Sons Company, Newark, N. J."

Adulteration of the articles was alleged in the libel for the reason that a substance, excessive cocoa shells, had been mixed and packed with and substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements on the respective packages, "Vanilla Chocolate," "Milk Chocolate," "Milk Chocolate Dainties," "Vanilla Chocolate Wafers," and "Vanilla Chocolate Dainties," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that each of the said articles was an imitation of and was offered for sale under the distinctive name of another article.

On October 24, 1922, the Brewster Sons Co., Newark, N. J., claimant, having admitted the allegations of the libel and 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 delivered to the Salvation Army for consumption and not for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11124. Misbranding of olive oil. U. S. v. Christopher Buonocore and Amedeo Buonocore (C. Buonocore & Son). Pleas of guilty. Fine, \$120. (F. & D. No. 16567. I. S. Nos. 5078-t, 5079-t, 6678-t, 6679-t, 6680-t, 6681-t, 6682-t, 6683-t, 6693-t.)

On November 11, 1922, 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 Christopher Buonocore and Amedeo Buonocore, copartners, trading as C. Buonocore & Son, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about April 27, May 5, and May 7, 1921, respectively, from the State of New York into the State of Connecticut, of quantities of olive oil which was

misbranded. The article was labeled in part: (Cans) "Roma Brand Puro Olio D'Oliva * * * C. Buonocore & Son 1 Gallon" (or " $\frac{1}{2}$ Gallon," or "1 Quart").

Examination of samples of the article by the Bureau of Chemistry of this department showed that the said cans contained less than the quantity declared on the labels thereof.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "1 Gallon," " $\frac{1}{2}$ Gallon," and "1 Quart," borne on the respective-sized cans containing the said article, regarding the article, were false and misleading in that the said statements represented that each of the said cans contained one gallon, one-half gallon, or one quart of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one gallon, one-half gallon, or one quart of the said article, as the case might be, whereas, in truth and in fact, each of said cans did not contain the amount declared on the said labels, 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 packages.

On November 28, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$120.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11125. Adulteration of ground mace. U. S. v. $\frac{1}{2}$ Barrel of Ground Mace. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16672. S. No. E-4089.)

On July 28, 1922, 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 a libel for the seizure and condemnation of $\frac{1}{2}$ barrel of ground mace, remaining in the original and unbroken package at Springfield, Mass., consigned on or about June 7, 1922, alleging that the article had been shipped by Austin Nichols [Austin, Nichols & Co.], New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, dirt, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On September 1, 1922, Austin, Nichols & Co., New York, N. Y., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11126. Adulteration of shell eggs. U. S. v. 7 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16677. I. S. No. 3851-v. S. No. C-3703.)

On or about July 14, 1922, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases of eggs, at Sioux City, Iowa, alleging that the article had been shipped by the Farmers Union Cooperative Exchange, Hartington, Nebr., on or about July 5, 1922, and transported from the State of Nebraska into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On October 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*