

11829. Adulteration of shell eggs. U. S. v. 400 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be recandled. (F. & D. No. 17676. I. S. No. 644-v. S. No. E-4455.)

On July 17, 1923, 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 praying the seizure and condemnation of 400 cases of shell eggs, remaining unsold in the original unbroken packages at New York, N. Y., consigned by Hougland & Miller, Chrisney, Ind., alleging that the article had been shipped from Chrisney, Ind., on or about July 1, 1923, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of decomposed eggs.

On August 17, 1923, Hougland & Miller, claimants, 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 released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,800, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed or denatured and the good portion released to the said claimants.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11830. Adulteration and misbranding of chloroform. U. S. v. 50 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16621. S. No. C-3699.)

On July 12, 1922, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cans of chloroform, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped from New York, N. Y., May 24, 1922, and transported from the State of New York into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained chlorinated decomposition products.

Adulteration of the article was alleged in substance in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and did not meet the required standard of strength, quality, and purity as required by law.

It was alleged in substance in the libel that the article was misbranded in that it was decomposed and did not have the standard of strength, quality, and purity as indicated by the labels.

On December 18, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11831. Misbranding of butter. U. S. v. Leonard Parkes Brittain and William Claire Brittain (Harpeth Valley Creamery). Pleas of guilty. Fine, \$75 and costs. (F. & D. No. 17069. I. S. Nos. 3067-v, 3068-v, 8192-t, 8193-t.)

On May 22, 1923, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Leonard Parkes Brittain and William Claire Brittain, copartners, trading as the Harpeth Valley Creamery, Franklin, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in part on or about May 16 and in part on or about August 8, 1922, from the State of Tennessee into the State of Georgia, of quantities of butter which was misbranded. A portion of the article was labeled in part: "Always ask for Best Brand Creamery Butter * * * One Pound Net." The remainder of the said article was labeled in part: "Blue Ribbon Butter * * * One Pound Net."

Examination by the Bureau of Chemistry of this department of 90, 240, 110, and 360 packages of the article from the various consignments showed an average net weight of 15.56, 15.56, 15.61, and 15.39 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, regarding the said article, was false and misleading in that the said statement represented that the said packages each contained 1 pound net of the said article, 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 said packages each contained 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the article 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 June 7, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11832. Misbranding of butter. U. S. v. Nashville Pure Milk Co., a Corporation. Plea of guilty to first count. Fine, \$25 and costs. Judgment reserved on second count. (F. & D. No. 17407. I. S. No. 9535-t.)

On May 22, 1923, the United States attorney for the Middle District of Tennessee, 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 Nashville Pure Milk Co., a corporation, Nashville, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 23, 1922, from the State of Tennessee into the State of Georgia, of a quantity of butter which was misbranded. The article was labeled in part: "Tru-li-Pure Butter Pasteurized * * * Made Only By Nashville Pure Milk Co. * * * Nashville, Tennessee * * * One Pound Net When Packed."

Examination by the Bureau of Chemistry of this department of 100 cartons of the article showed an average net weight of 15.52 ounces.

Misbranding of the article was alleged in the first count of the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of the said packages contained 1 pound 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 of the said packages contained 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the said article but did contain a less amount. Misbranding was alleged in the second count of the information 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 June 7, 1923, a plea of guilty to the first count of the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs. Judgment was reserved on the second count involving the charge of failure to declare the quantity of the contents of the packages.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11833. Misbranding of olive oil. U. S. v. 37 Cans and 13 Cans of Olive Oil. Decree ordering product released under bond to be relabeled. (F. & D. No. 17445. I. S. Nos. 1828-v, 1829-v. S. No. E-4349.)

On April 2, 1923, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 37 alleged quart cans and 13 alleged half-gallon cans of olive oil at Manchester, N. H., alleging that the article had been shipped by the Aeolian Importing Co., from Boston, Mass., on or about February 2, 1923, and transported from the State of Massachusetts into the State of New Hampshire, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Net Contents One Quart" (or "Net Contents Half Gallon") "Aeolian Brand * * * Imported Pure Olive Oil Superfine Quality."

Misbranding of the article was alleged in the libel for the reason that the statements appearing on the labels of the said cans, to wit, "Net Contents One Quart" and "Net Contents Half Gallon," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the