

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