

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statements, "5 Oz." or "Contains 5 Oz. Oyster Meat [Contents 5 Oz. * * * Oysters]," as the case might be, appearing on the respective labels of the article, 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 quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 20, 1923, the Hilton Head Packing Co., Savannah, Ga., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the statement, "5 Oz.," be obliterated and that the product be relabeled under the supervision of this department as follows: "Slack Filled A package of this size should contain 5 Ounces Oyster Meat. Actual cut-out weight in this can 3.5 ounces."

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

11843. Adulteration and misbranding of butter. U. S. v. Morris Honikman (Honikman's Creamery). Plea of guilty. Fine, \$25. (F. & D. No. 16928. I. S. No. 8150-t.)

On April 5, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Morris Honikman, trading as Honikman's Creamery, Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 6, 1922, from the State of Pennsylvania into the State of New Jersey, of a quantity of butter which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained excessive water and was deficient in fat.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality, for the further reason that a substance, to wit, added water, had been substituted in whole or in part for butter, which the article purported to be, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding of the article was alleged for the reason that it was a mixture which contained an excessive amount of water, prepared in imitation of butter, and was offered for sale and sold under the distinctive name of another article, to wit, butter.

On September 18, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

11844. Misbranding of butter. U. S. v. Maury County Cooperative Creamery Assoc., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16953. I. S. Nos. 3019-v, 3024-v, 8197-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 Maury County Cooperative Creamery Assoc., a corporation, Columbia, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about May 23, August 22, and August 29, 1922, respectively, 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: "Maury County Maid Fancy Creamery Butter Maury County Co-op. Cry. Assn. Columbia, Tennessee One Pound * * * Net Weight." The remainder of the said article was unlabeled.

Examination by the Bureau of Chemistry of this department of 150, 100, and 105 packages of the article from the various consignments showed an average net weight of 15.40, 15.61, and 15.37 ounces, respectively.

Misbranding was alleged in the information with respect to a portion of the article for the reason that the statement, to wit, "One Pound * * * Net Weight," borne on the packages containing the article, regarding the said