

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents One Pint," "Net Contents One Quart," and "Net Contents Two Quarts," borne on the respective-sized cans containing the said article, were false and misleading in that they represented that each of the said cans contained 1 pint, 1 quart, or 2 quarts net of the article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 pint, 1 quart, or 2 quarts net of the said article, as the case might be, whereas the said cans did not contain the amounts declared on the labels but did contain less amounts. 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 October 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11957. Misbranding of olive oil. U. S. v. James Mallars, Harry Kokenes, Thomas Kokenes, and Samuel T. Mallars (Nasiacos Importing Co.). Plea of guilty. Fine, \$200. (F. & D. No. 16413. I. S. Nos. 3593-t, 9452-t, 13891-t, 13892-t, 14110-t.)

On July 1, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Mallars, Harry Kokenes, Thomas Kokenes, and Samuel T. Mallars, copartners, trading as the Nasiacos Importing Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of Illinois, in various consignments, namely, on or about October 29, 1921, into the State of Colorado, on or about December 10, 1921, into the State of Minnesota, on or about December 13, 1921, into the State of South Carolina, and on or about January 11, 1922, into the State of Wyoming, of quantities of olive oil which was misbranded. A portion of the article was labeled in part: "Contents 1/4 Gallon * * * Athlete Brand Pure Olive Oil * * * Nasiacos Importing Co., Chicago, Ill.;" Athlete Brand * * * Pure Olive Oil Contents 1/8 Gallon * * * Nasiacos Importing Co., Chicago." The remainder of the article was labeled in part: (Can) "Athlete Club * * * Guaranteed Finest Quality Pure Olive Oil Contents 1/2 Gallon."

Examination by the Bureau of Chemistry of this department of samples taken from each of the consignments showed that the said cans contained less than the quantities declared on the labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contents 1/4 Gallon," "Contents 1/8 Gallon," and "Contents 1/2 Gallon," borne on the respective-sized cans containing the said article, were false and misleading in that they represented that each of the said cans contained one-quarter gallon, one-eighth gallon, or one-half gallon of the article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one-quarter gallon, one-eighth gallon, or one-half gallon of the article, as the case might be, whereas each of the said cans did not contain the amount declared on the label thereof 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 October 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11958. Adulteration and misbranding of butter. U. S. v. Armour & Co., a Corporation. Plea of nolo contendere. Fine, \$180. (F. & D. No. 17520. I. S. Nos. 8124-v, 8676-v, 8680-v, 8681-v, 8683-v, 8684-v, 8689-v.)

On October 9, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Armour & Co., a corporation, trading at San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about February 14, 16, 20 (three consignments), and 27, and March 7, 1923, respectively, from the State of California into the Territory of Hawaii, of quantities of butter, a portion of which

was adulterated and misbranded and the remainder of which was misbranded. The article was labeled in part: "1 Lb. Net Weight Armour's * * * Veribest Creamery Butter."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product involved in the consignments of February 14, February 16, one of the consignments of February 20, and the consignments of February 27 and March 7 contained excessive moisture and was deficient in butterfat. Examination by said bureau showed that the packages involved in all of the consignments, with the exception of that of March 7, were short weight.

Adulteration was alleged in the information with respect to the shipments of February 14, 16, 27, and March 7 for the reason that a product deficient in milk fat and containing excessive moisture had been substituted in whole or in part for butter, which the article purported to be. Adulteration was alleged with respect to one of the consignments of February 20 for the reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged with respect to the product in all of the consignments, with the exception of the three consignments of February 20, for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that it represented that said article was creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was creamery butter, whereas it was not but was a product deficient in milk fat and contained excessive moisture. Misbranding was alleged with respect to one of the consignments of February 20 for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that it represented that said article was creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was creamery butter, whereas it was not but was a product deficient in milk fat. Misbranding was alleged with respect to all of the said article, with the exception of the three consignments of February 20, for the further reason that it was an imitation of creamery butter and was offered for sale and sold under the distinctive name of another article, to wit, creamery butter.

Misbranding was alleged with respect to the product involved in all the consignments, with the exception of that of March 7, for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, was false and misleading in that it represented that each of the said packages contained 1 pound net of the said 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 each of said packages did not but did contain a less amount. Misbranding was alleged with respect to the said article, with the exception of the said consignment of March 7, for the further reason that it 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 15, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$180.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11959. Adulteration of dried black grapes. U. S. v. 98 Cases of Dried Black Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17671. I. S. No. 8387-v. S. No. W-1396.)

On July 28, 1923, the United States attorney for the District of Oregon, 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 98 cases of dried black grapes, at Portland, Oreg., alleging that the article had been shipped by the DaRoza-Doherty Co., from San Francisco, Calif., on or about July 15, 1923, and transported from the State of California into the State of Oregon, 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 wholly or in part of a filthy, decomposed, and putrid vegetable substance. Adulteration was alleged for the further reason that sand or dirt had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength.