

case was submitted to the jury, which returned a verdict of guilty. The defendant was thereupon fined \$150.

W. M. JARDINE, *Secretary of Agriculture.*

12830. Adulteration and misbranding of scallops. U. S. v. Eacho & Co., a Corporation. Plea of guilty. Fine, \$30. (F. & D. No. 19234. I. S. No. 15080-v.)

On November 11, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Eacho & Co., a corporation, trading at Washington, D. C., alleging that on March 13, 1924, the said company did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of scallops which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for scallops, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale and sold under the distinctive name of another article, to wit, scallops.

On November 11, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$30.

W. M. JARDINE, *Secretary of Agriculture.*

12831. Adulteration and misbranding of butter. U. S. v. 20 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18286. I. S. No. 980-v. S. No. E-4728.)

On February 4, 1924, the United States attorney for the Southern District of Georgia, 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 20 cases of butter, at Savannah, Ga., alleging that the article had been shipped by the Community Creamery Co., from Chester S. C., on or about January 25, 1924, and transported from the State of South Carolina into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Community Creamery Co. * * * Extra Fancy Creamery Butter * * * One Pound Net."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in milk fat, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been in whole or in part abstracted from the said article.

Misbranding was alleged for the reason that the statement in the labeling "One Pound Net" was false and misleading and deceived and misled the purchaser, and 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 February 7, 1924, the Community Creamery Co., Chester, S. C., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reworked and relabeled upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12832. Misbranding of butter. U. S. v. Swift & Co., a Corporation. Pleas of guilty. Fines, \$600 and costs. (F. & D. Nos. 17918, 18368. I. S. Nos. 11356-v, 11357-v, 11515-v, 11516-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against Swift & Co., a corporation, trading at Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 23, 1923, from the State of Colorado into the State of Texas, and on or about

September 8 and 11, 1923, respectively, from the State of Colorado into the State of Wyoming, of quantities of butter which was misbranded. The article was labeled in part: "Brookfield Creamery Butter 1 Lb. Net Weight * * * Swift & Company, U. S. A. Distributor."

Examination by the Bureau of Chemistry of this department showed that the average net weight of 96, 95, 90, and 96 cartons from the 4 lots was 15.51, 15.58, 15.64, and 15.62 ounces, respectively.

Misbranding of the article was alleged in the informations for the reason that the statement, to wit "1 Lb. Net Weight," borne on the package containing the said article, was false and misleading, in that the said statement represented that each of the said packages contained 1 pound of butter, 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 said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter 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 September 15, 1924, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$600, together with the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

12833. Misbranding of butter. U. S. v. Elkhorn Creamery Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 18099. I. S. Nos. 11510-v, 11874-v.)

On or about July 23, 1924, the United States attorney for the District of Idaho, 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 Elkhorn Creamery Co., a corporation, Pocatello, Idaho, alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 6, 1923, from the State of Idaho into the State of Wyoming, and on or about September 12, 1923, from the State of Idaho into the State of Utah, of quantities of butter which was misbranded. The article was labeled in part: "Royal Butter * * * Mfd. By Elkhorn Creamery Company. * * * 16 Ounces Net Weight."

Examination of samples of the article from each consignment by the Bureau of Chemistry of this department showed that the average net weight of 90 cartons from one shipment and 30 cartons from the other was 15.64 ounces and 15.65 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "16 Ounces Net Weight," borne on the packages containing the article, was false and misleading, in that the said statement represented that each of the said packages contained 16 ounces net weight 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 said packages contained 16 ounces net weight of the article, whereas, in truth and in fact, each of said packages did not contain 16 ounces 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 October 13, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

12834. Adulteration and misbranding of raspberry preserves. U. S. v. 60 Cases of Raspberry Preserves. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18721. I. S. No. 17909-v. S. No. C-4405.)

On June 3, 1924, 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 a libel praying the seizure and condemnation of 60 cases of raspberry preserves, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Best-Clymer Co., from St. Louis, Mo., April 2, 1924, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "Marigold Brand Corn Syrup Fruit Pectin Com-