

alleging shipment by said defendant, in violation of the food and drugs act, on or about March 8, 1923, from the State of Pennsylvania into the State of Virginia, of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: "Betsy Ross Brand Jelly Currant Flavor" (or "Plum Flavor" or "Apple") "Fruit Juice, Sugar, Apple Base, U. S. Preserve Co. Phila., Pa. 7 Ozs. Net."

Analyses of the currant and plum jellies by the Bureau of Chemistry of this department showed that they were apple pectin jellies almost devoid of any flavor other than apple. No flavor was detected which would designate the products as currant or plum jellies. Analysis of the apple jelly by said bureau showed that it was an apple jelly containing added pectin, possessing some flavor and aroma of apple.

Adulteration of the currant and plum jellies was alleged in the information for the reason that products composed of apple pectin jelly and containing no currant flavor or plum flavor, as the case might be, had been substituted for jelly, currant flavor, and jelly, plum flavor, which the said articles purported to be. Adulteration of the apple jelly was alleged for the reason that a product composed in part of pectin jelly had been substituted for pure apple jelly, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Jelly Currant Flavor * * * Apple Base," "Jelly Plum Flavor * * * Apple Base," and "Jelly Apple," borne on the labels of the respective products, were false and misleading, in that the said statements represented that the articles were pure jelly, currant flavor with an apple base, pure jelly, plum flavor with an apple base, or pure apple jelly, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure jelly, currant flavor with an apple base, pure jelly, plum flavor with an apple base, or pure apple jelly, as the case might be, whereas the said articles did not so consist but the currant and plum jellies consisted of apple pectin jellies having no currant or plum flavor, and the apple jelly consisted in part of pectin jelly. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On December 9, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

12913. Adulteration and misbranding of butter. U. S. v. the Merchants Creamery Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 18587. I. S. Nos. 15041-v, 15042-v.)

On November 17, 1924, the United States attorney for the Southern District of Ohio, 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 Merchants Creamery Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about December 11 and 13, 1923, respectively, from the State of Ohio into the State of Virginia, of quantities of butter which was adulterated and misbranded. The article was contained in cartons labeled in part: "Rose Brand Creamery Butter The Merchants Creamery Co., Cincinnati, O. One Pound Net." A portion of the article was divided into half-pound prints bearing on the wrappers, "Half Pound Net," and the remainder was divided into 4-ounce prints bearing on the wrappers, "4 oz. Net Weight."

Analysis of the article by the Bureau of Chemistry of this department showed that it was deficient in butterfat. Examination of 90 prints contained in the half-pound wrappers and 96 prints in the 4-ounce wrappers showed an average weight of 7.78 ounces, and 3.72 ounces, respectively.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "One Pound Net," borne on the cartons, and the statements, to wit, "Half Pound Net" and "4 Oz. Net Weight," borne on the wrappers on the respective-sized prints, were false and misleading, in that the said statements represented that the cartons contained 1 pound net of the said article, and that the wrappers

contained one-half pound net or 4 ounces net, as the case might be, whereas the cartons contained less than 1 pound net of butter, and the said wrappers contained less than one-half pound net or 4 ounces net, of butter. 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 November 19, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

12914. Adulteration of canned sardines. U. S. v. 8 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19179. I. S. No. 16886-v. S. No. E-5021.)

On November 20, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information against 8 cases of sardines, remaining in the original unbroken packages at Lawrence, Mass., alleging that the article had been shipped by the Bayshore Sardine Co., from Columbia, Me., August 15, and September 5, 1924, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "B & S Brand Sardines * * * Packed By Bayshore Sardine Co. Addison, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 12, 1924, 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.

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

12915. Adulteration of canned salmon. U. S. v. 1,200 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond to be salvaged. (F. & D. No. 18548. I. S. Nos. 4907-v, 4915-v. S. No. C-4329.)

On April 19, 1924, 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 a libel praying the seizure and condemnation of 1,200 cases of canned salmon, remaining in the original unbroken packages at Clarksville, Tenn., alleging that the article had been shipped by Jones and Williams, Seattle, Wash., on or about September 15, 1923, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Tomah Brand Salmon Packed by Bellingham Canning Co., Bellingham, Wash."

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 animal substance.

On October 8, 1924, the Bellingham Canning Co., Bellingham, Wash., having appeared as claimant of the property, judgment of condemnation was 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 a bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

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

12916. Adulteration of walnuts in shell. U. S. v. 45 Bags of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19175. I. S. No. 13305-v. S. No. E-5014.)

On November 19, 1924, 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 45 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Compagnie Francaise de Commerce International & Colonial, from France, on or about November 24, 1922, and transported from a foreign country