

96 packages of the alleged 7¼-ounce packages showed an average net weight of 6.7 ounces.

Misbranding of the article was alleged in the information for the reason that the statements "Net Weight 2 Lbs." and "Minimum Net Weight 7¼ Oz.," borne on the labels attached to the respective-sized packages, were false and misleading, in that the said statements represented that the packages weighed 2 pounds net weight or 7¼ ounces net weight, of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 2 pounds net weight, or 7¼ ounces net weight, of the article, as the case might be, whereas, in truth and in fact, the said packages did not contain the amounts declared on the respective 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 December 17, 1924, a plea of nolo contendere was entered to the information by the defendant company, and the court imposed a fine of \$100 and costs.

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

13044. Adulteration of butter. U. S. v. 378 Cubes of Butter. Product ordered released under bond to be reworked. (F. & D. No. 18956. I. S. No. 11626-v. S. No. W-1534.)

On or about July 22, 1924, the United States attorney for the Southern District of California, 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 378 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Caldwell Creamery Co., Caldwell, Idaho, alleging that the article had been shipped from Caldwell, Idaho, on or about June 30, 1924, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and for the further reason that a valuable constituent, milk fat, had been in part abstracted therefrom.

On September 18, 1924, the Caldwell Creamery Co., Caldwell, Idaho, having appeared as claimant for the property and having executed a bond in the sum of \$1,400, conditioned that the product be reworked to bring it into compliance with the law, a decree of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings.

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

13045. Adulteration of canned salmon. U. S. v. 99 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16861. S. No. C-3811.)

On September 27, 1922, the United States attorney for the Southern District of Alabama, 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 99 cases of salmon, remaining in the original unbroken packages at Mobile, Ala., alleging that the article had been shipped by the Seaboard Commercial Co., from Seattle, Wash., June 26, 1922, and transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Norwest Brand Salmon * * * Seaboard Commercial Co. Seattle, Wash. U. S. A."

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 November 7, 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.*