

shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely on or about May 29 and June 6, 1924, respectively, from the State of California into the State of Colorado of quantities of green peas, in unmarked hampers, which were misbranded.

Misbranding of the article was alleged in the information for the 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 April 12, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

13368. Adulteration of canned sardines. U. S. v. 90 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19846. I. S. No. 15609-v. S. No. E-5132.)

On March 3, 1925, the United States attorney for the Western District of Pennsylvania, 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 90 cases of sardines, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the North Lubec Mfg. & Canning Co., or the Maine Coop. Sardine Co., from Eastport, Me., in various consignments, namely, on or about September 9 and 19, October 27, and November 21, 1924, respectively, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand American Sardines In Mustard Sauce Packed By North Lubec Manufacturing & Canning Co., Factories North Lubec and Stonington, 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, or putrid animal substance.

On May 28, 1925, 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.

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

13369. Adulteration and misbranding of butter. U. S. v. J. G. Turnbull Co. Plea of guilty. Fine, \$10. (F. & D. No. 19324. I. S. No. 10856-v.)

At the February, 1925, term of the United States District Court, within and for the District of Vermont, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the J. G. Turnbull Co., a corporation, Norton Mills, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about July 31, 1924, from the State of Vermont into the State of New Hampshire, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Package) "Creamery Butter."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that 4 samples averaged 74.39 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a substance deficient in milk fat, in that it contained 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 "Creamery Butter," borne on the packages containing the article, was false and misleading, in that it represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, whereas it was not butter, in that it contained less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 8, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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