

interstate commerce from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Package) "Golden State Brand Butter \* \* \* Net Weight 1 Pound. \* \* \* Distributed by Golden State Milk Products Co. General Offices, San Francisco, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the packages were labeled "Net Weight 1 Pound" and contained a less quantity.

On April 9, 1925, the Golden State Milk Products Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture 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 \$363, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

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

**13393. Misbranding of bakery products. U. S. v. the Purity Biscuit Co. Plea of guilty. Fine, \$50.** (F. & D. No. 19313. I. S. Nos. 12298-v, 12299-v, 12300-v, 20901-v.)

On March 11, 1925, the United States attorney for the District of Utah, 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 Purity Biscuit Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act, on or about July 18, 1924, from the State of Utah into the State of Idaho, and on or about July 22, 1924, from the State of Utah into the State of Wyoming, of quantities of bakery products which were misbranded. The articles were labeled, variously, in part: "Vanilla Wafers The Purity Biscuit Company Salt Lake \* \* \* Average Minimum Net Weight 5 Ounces"; "Fig Nuggets The Purity Biscuit Company Salt Lake \* \* \* Average Minimum Net Weight 8 Ounces"; "Ginger Snaps Made By The Purity Biscuit Company Salt Lake \* \* \* Average Minimum Net Weight 1 Pound 6 Ounces."

Examination by the Bureau of Chemistry of this department of a sample from each of the consignments showed that the average net weight of 24 packages of the vanilla wafers was 4.31 ounces; the average net weight of 12 packages of the ginger snaps was 1 pound 5.21 ounces; the average net weight of 24 packages and of 96 packages from the two consignments of fig nuggets was 7.44 ounces and 6.75 ounces, respectively.

Misbranding of the articles was alleged in substance in the information for the reason that the statements "Average Minimum Net Weight 5 Ounces," "Average Minimum Net Weight 8 Ounces," and "Average Minimum Net Weight 1 Pound 6 Ounces," borne on the packages containing the respective articles, were false and misleading, in that the said statements represented that the packages contained the amounts of the respective articles declared on the labels thereof, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained the amounts of the respective articles declared on the labels, whereas the packages did not contain the said amounts but did contain less amounts. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 20, 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.*

**13394. Adulteration of canned salmon. U. S. v. 10,178 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17767. I. S. No. 11493-v. S. No. W-1416.)

On September 7, 1923, the United States attorney for the Western District of Washington, 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 10,178 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Carlisle Packing Co., from Cordovia, Alaska, August 14, 1923, and transported from the Territory of Alaska into the State of Washington, 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 animal substance.

On June 18, 1924, the Carlisle Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture 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 \$5,000, 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 former destroyed.

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

**13395. Adulteration and misbranding of feed. U. S. v. Charles D. Fretwell and Ben D. Russell (Spartan Grain & Mill Co.). Plea of nolo contendere. Fine, \$100. (F. & D. No. 19279. I. S. Nos. 16592-v, 16593-v, 16594-v.)**

On February 17, 1925, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles D. Fretwell and Ben D. Russell, copartners, trading as the Spartan Grain & Mill Co., Spartanburg, S. C., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about April 15, 1924, from the State of South Carolina into the State of North Carolina, of quantities of feed which was adulterated and misbranded. The article was labeled, variously, in part: "100 Lbs. Net When Packed Sweet Pasture Stock Feed Manufactured by Spartan Grain & Mill Co. Spartanburg, S. C. \* \* \* Ingredients—Cotton Seed Meal, Alfalfa Meal, Oat Meal, Mill By-Products, (Oat Middlings, Oat Shorts and Oat Hulls) and Molasses"; "100 Lbs. Net When Packed Carnation Horse Feed Manufactured by Spartan Grain & Mill Co. Spartanburg, S. C. Guaranteed Average Analysis: Protein 10.00% \* \* \* Ingredients—Corn, Oats, Cotton Seed Meal, Alfalfa Meal, Oat Meal, Mill By-products, (Oat Middlings, Oat Shorts and Oat Hulls) and Molasses"; and "Spartan Grains Dairy Feed Sweet Manufactured By Spartan Grain and Mill Co. Spartanburg, S. C. \* \* \* 100 Pounds Net 24% Protein."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that: The Sweet Pasture stock feed contained ground oat hulls, wheat, and barley, which were not declared on the label, and did not contain oat meal, alfalfa meal, and mill by-products (oat middlings, oat shorts, and oat hulls), which were declared, and the average net weight of 10 sacks was 98.41 pounds; the Carnation horse feed contained 8.62 per cent of protein and oat hulls and mill screenings, which were not declared on the label, and did not contain oats, oat meal, alfalfa meal, and mill by-products (oat middlings, oat shorts, and oat hulls), which were declared, and the average net weight of 20 sacks was 99.19 pounds; the Spartan dairy feed contained 22.09 per cent of protein, and the average net weight of 10 sacks was 99.53 pounds.

Adulteration of the Sweet Pasture stock feed was alleged in substance in the information for the reason that a substance devoid of certain ingredients declared on the label and containing certain ingredients not declared on the said label had been substituted in part for the article. Adulteration of the Carnation horse feed was alleged for the reason that a substance deficient in protein and containing undeclared ingredients, to wit, ground oat hulls and mill screenings, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted for the said article. Adulteration of the Spartan dairy feed was alleged for the reason that a substance deficient in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted for the article.

Misbranding of all three brands of the article was alleged for the reason that the statement, to wit, "100 Lbs. Net," borne on the tags attached to the sacks containing the said article, was false and misleading, in that it represented that the sacks each contained 100 pounds net 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 the said sacks each contained 100 pounds net of the article, whereas the said sacks did not contain 100 pounds net of the said article but did contain less amounts. Misbranding of all three brands of the article was alleged for the further reason that it was food in package form