

food and drugs act as amended. A portion of the article was labeled in part: "Edel's Fine Butter * * * One Pound Net * * * 'Not Merely Good, But the Finest Obtainable.'" The remainder of the said article was labeled in part: "1 Lb. Net Weight."

Adulteration was alleged with respect to 19 boxes of the product for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part 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 statements "Edel's Fine Butter * * * One Pound Net * * * 'Not Merely Good, But the Finest Obtainable,'" with respect to 19 boxes of the product, and the statement "1 Lb. Net Weight," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the said 19 boxes of the product for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to all the said product 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 July 3, 1925, the Fred C. Mansfield Co., Johnson Creek, Wis., 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 upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$800, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until properly labeled and inspected by a representative of this department.

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

13774. Adulteration and misbranding of canned oysters. U. S. v. 50 Cases of Canned Oysters. Product released to claimant. (F. & D. No. 17338. I. S. No. 4497-v. S. No. C-3924.)

On March 9, 1923, the United States attorney for the Western District of Kentucky, 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 50 cases of canned oysters, remaining in the original packages at Louisville, Ky., consigned by the H. G. Leiding Co., Charleston, S. C., December 22, 1922, alleging that the article had been shipped in interstate commerce from Charleston, S. C., into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Crystal Bay Oysters Contains 5 Oz. Oyster Meat. H. G. Leiding Co. Sole Agents, Charleston, S. C."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Contains 5 Oz. Oyster Meat," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further 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 September 30, 1924, the Shelmore Oyster Products Co., claimant, having admitted the allegations of the libel and agreed to pay the costs of the proceedings, and having relabeled the product in a manner satisfactory to this department, an order of the court was entered, providing for the release of the said product to the claimant.

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

13775. Misbranding of butter. U. S. v. 4 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20401. I. S. No. 118-x. S. No. W-1767.)

On or about August 19, 1925, 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 4 cases, each containing 60 pounds, of butter, remaining in the original unbroken packages at Seattle, Wash., delivered for shipment by Armour & Co., Seattle, Wash., August 17, 1925, alleging that the article had been prepared for shipment from the State of Washington into the

Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "One Pound Net Weight Armour's Cloverbloom * * * Butter. Armour And Company General Offices, Chicago Distributors."

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, paragraphs 2 and 3, under "Food," in that it was short weight.

On August 21, 1925, Armour & 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 deposit of a cash bond in the sum of \$75, said bond being conditioned in part that the product not be sold or otherwise disposed of contrary to law, and that it be made to conform with the food and drugs act under the supervision of this department.

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

13776. Misbranding of cold pressed cotton seed. U. S. v. Frio Cotton Oil Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 19005. I. S. No. 12303-v.)

On November 15, 1924, the United States attorney for the Western District of Texas, 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 Frio Cotton Oil Co., a corporation, Pearsall, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 25, 1923, from the State of Texas into the State of Kansas, of a quantity of cold pressed cotton seed which was misbranded. The article was labeled in part: "Cold Presst Cotton Seed 100 Lbs. Net."

Examination by the Bureau of Chemistry of this department of 40 unopened sacks of the article showed an average net weight of 94.7 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Cotton Seed 100 Lbs. Net," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that the sacks each contained 100 pounds 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 of the article, whereas the sacks did not each contain 100 pounds 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, since the actual contents of the sacks was less than the declared amount.

On April 20, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

13777. Adulteration of butter. U. S. v. 21 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20319. I. S. No. 5308-x. S. No. E-5433.)

On July 16, 1925, 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 praying the seizure and condemnation of 21 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned June 29, 1925, alleging that the article had been shipped by the Caspian Creamery Co., Greensboro, Vt., and transported from the State of Vermont into the State of Massachusetts, 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 substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted.

On July 21, 1925, F. A. Messer, Montpelier, Vt., having appeared as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

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