

Products Co., from New York, N. Y., on or about October 13, 1924, and transported from the State of New York into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Net Contents One Gallon Nettuno Brand * * * Olio Puro D'Oliva."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Contents One Gallon," borne on the label, 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 April 23, 1926, the product having theretofore been delivered to the claimant, Alfonso Carano, upon his giving bond to secure compliance with the law, and the conditions of said bond, namely, that the product be relabeled to state the net contents of the cans, having been complied with, it was ordered by the court that the libel be dismissed and the bond exonerated.

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

14237. Adulteration of tomato paste. U. S. v. 27 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 20902. S. No. E-5653.)

On March 2, 1926, 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 seizure and condemnation of 27 cases of tomato paste, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Oreste Mariani, from Naples, Italy, on or about December 6, 1924, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Mariani Extra Fine Tomato Paste Italian Produce Salsina Di Puro Pomodoro Net Weight Ounces 6½ * * * Casa Esportatrice Mariani Bros."

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 vegetable substance.

On April 27, 1926, 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.*

14238. Adulteration of shell eggs. U. S. v. Hugh L. Hodges. Plea of guilty. Fine, \$25. (F. & D. No. 19742. I. S. No. 3644-x.)

On January 29, 1926, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hugh L. Hodges, trading as H. L. Hodges, Finger, Tenn., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 27, 1925, from the State of Tennessee into the State of Alabama, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Finger, Tenn. * * * Shipper and Local Address H. L. Hodges."

Examination by the Bureau of Chemistry of this department of 540 eggs, from 3 half cases from the shipment, showed that 131, or 24.3 per cent, were inedible eggs, consisting of mixed rots and blood rings.

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

On April 26, 1926, the defendant entered a plea of guilty to the information, and the court imposed a penalty of \$25, in lieu of fine and costs.

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

14239. Adulteration of butter. U. S. v. 7 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 20993. I. S. No. 10510-x. S. No. W-1934.)

On March 13, 1926, 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 seizure and condemnation of 7 cubes of butter, remaining in the original unbroken pack-

ages at Seattle, Wash., alleging that the article had been shipped by the Farmers' Creamery Co., Livingston, Mont., March 2, 1926, and transported from the State of Montana 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 a substance deficient in milk fat content had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

On March 24, 1926, Frye & Co., Seattle, Wash., 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 \$500, in conformity with section 10 of the act, conditioned in part that it be repacked under the supervision of this department to conform with the law.

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

14240. Adulteration of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20975. I. S. No. 10504-x. S. No. W-1919.)

On March 8, 1926, 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 seizure and condemnation of 10 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Grassrange Creamery Co., Grassrange, Mont., about February 19, 1926, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in violation of section 7, paragraph 2, of the said act, in that it was deficient in milk fat content.

On March 19, 1926, the Grassrange Creamery Co., Grassrange, Mont., 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 \$300, in conformity with section 10 of the act, the terms of said bond requiring that the product be conditioned under the supervision of this department.

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

14241. Adulteration and misbranding of butter. U. S. v. H. C. Christians Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19723. I. S. Nos. 24254-v, 24257-v, 24258-v.)

On February 27, 1926, the United States attorney for the Northern District of Illinois, 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 H. C. Christians Co., a corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, on or about June 15 and 20, 1925, respectively, from the State of Illinois into the State of Maryland, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "Edel's Trade Mark 'Bee Hive' Butter * * * One Pound Net Weight." The remainder of the said article was labeled in part: "Ayrshire Brand * * * Creamery Butter * * * Sold By H. C. Christians Co. Johnson Creek, Wis. * * * Contents 1 Pound Net."

Adulteration of the article was alleged in the libel for the reason that a product which 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, which the said article purported to be.

Misbranding was alleged for the reason that the statements "Butter" "One Pound Net Weight" or "Contents 1 Pound Net," as the case might be, borne on the packages containing the article, were false and misleading, in that they represented that the said article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, and that the packages each contained 1 pound net thereof, and for the further