14719. Misbranding of butter. U. S. v. 200 Cases, et al., of Butter. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 21105, 21131. I. S. Nos. 4088–x, 4091–x. S. Nos. C–5100, C–5172.)

On or about April 30 and May 24, 1926, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 215 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the McComb Creamery & Ice Cream Co., McComb, Miss., in part on or about April 15, 1926, and in part on or about May 20, 1926, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Shamrock Creamery Butter * * * McComb Creamery & Ice Cream Co. * * * McComb–Miss. One Pound Net."

It was alleged in substance in the libels that the article was short weight and was misbranded, in that the statement "One Pound Net," borne on the label, was false and misleading and deceived and misled the purchaser, and 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.

The McComb Creamery & Ice Cream Co., McComb, Miss., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were 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 sum of $2,200, conditioned in part that it be reworked and reconditioned in compliance with the law, and that it not be sold or disposed of without being inspected by a representative of this department. On August 25, 1926, final orders were entered releasing the said butter.

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

14720. Misbranding of olive oil. U. S. v. A. Giurlani & Bro. Plea of guilty. Fine, $102. (F. & D. No. 19774. I. S. Nos. 10489–x, 14627–v, 14628–v.)

At the July, 1926, term of the United States District Court within and for the Northern District of California, 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 A. Giurlani & Bro., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about March 27, April 3, and October 16, 1925, respectively, from the State of California in part into the State of Washington and in part into the State of Utah, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Net Contents One Gallon" (or "Net Contents One Half Gallon") "Guaranteed Imported Pure Virgin Olive Oil * * * A Giurlani & Bro. San Francisco, Cal."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents One Gallon," and "Net Contents One Half Gallon," borne on the respective sized cans containing the article, were false and misleading, in that the said statements represented that the cans contained 1 gallon or ½ gallon of olive oil, 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 cans contained 1 gallon or ½ gallon of olive oil, as the case might be, whereas the said cans did not each contain the declared amount 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.

On September 30, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $102.

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

14721. Adulteration of canned sardines. U. S. v. 30 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20420. I. S. No. 6501–x. S. No. E–5493.)

On September 8, 1925, the United States attorney for the Western District of North Carolina, 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 30 cases of sardines, at Winston-Salem, N. C.,