

of \$400, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat, and be marked to show the true quantity of the contents.

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

15237. Adulteration of oysters. U. S. v. Thomas E. Jones (Thos. E. Jones & Co.). Plea of guilty. Fine, \$30 and costs. (F. & D. No. 21597. I. S. Nos. 7734-x, 13522-x, 13523-x.)

On June 1, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas E. Jones, trading as Thos. E. Jones & Co., Cambridge, Md., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 12, 1926, from the State of Maryland into the State of Maine, and on or about November 13, 1926, from the State of Maryland into the State of South Carolina, of quantities of oysters which were adulterated.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the said article purported to be.

On June 15, 1927, the defendant entered a plea of guilty to the information and the court imposed a fine of \$30 and costs.

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

15238. Adulteration of tomato catsup. U. S. v. 10 Cases and 112 Cases of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21791, 21923. I. S. Nos. 13357-x, 13377-x. S. Nos. E-8091, E-8136.)

On April 2, and May 18, 1927, respectively, the United States attorney for the District of Maryland, 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 122 cases of tomato catsup, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Lancaster Vinegar Co., from Lancaster, Pa., in part on or about May 4, 1927 and in part on or about August 19, 1926, and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ransing Daisy Brand Tomato Catsup * * * E. A. Ransing Sons Lancaster, Pa. L. V. Co."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 27, and July 7, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

15239. Adulteration and misbranding of butter. U. S. v. Paul A. Schulze (Paul A. Schulze Co.). Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 19739. I. S. Nos. 14873-y, 4405-x, 4313-x, 5717-x, 5720-x.)

On March 26, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paul A. Schulze, trading as the Paul A. Schulze Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the food and drugs act, as amended, in various consignments, on or about April 17, 1925, from the State of Missouri into the State of Louisiana, on or about July 6 and 16, 1925, from the State of Missouri into the State of Illinois, and on or about August 8, 1925, from the State of Missouri into the State of Pennsylvania, of quantities of butter which was misbranded, and on or about August 15, 1925, from the State of Missouri into the State of Pennsylvania, of a quantity of butter which was adulterated. The article was labeled, variously, in part: (packages) "Jersey Belle Creamery Butter One Pound Net Weight * * * Paul A. Schulze Co., St. Louis, Mo.," "Schulze Clover Springs Butter One Pound Net Quarters * * * Manufactured by Paul A. Schulze Co., St. Louis, Mo.," "One Pound Net Mountain Grove Brand Fancy Creamery Butter * * * Net Weight One Pound," (wrapper) "Park View Farms Creamery Country Roll."

Misbranding of the "Jersey Belle" and the "Clover Springs" butter 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 packages.

Misbranding of a portion of the "Clover Springs" butter and the "Mountain Grove" butter was alleged for the reason that the statements, "Butter," "One Pound Net," with respect to the former, and "Butter," "One Pound Net," and "Net Weight One Pound," with respect to the latter, borne on the labels, were false and misleading in that the said statements represented that the article was butter, to wit, 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 (42 Stat. 1500), and that each of the packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it 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 each of the said packages contained 1 pound net of butter, whereas it was a product which contained less than 80 per cent by weight of milk fat and each of said packages did not contain 1 pound of butter, but did contain a less amount.

Adulteration of the "Park View Farms" butter was alleged 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, which the article purported to be.

On November 18, 1926, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

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

15240. Misbranding of cottonseed cake screenings. U. S. v. 400 Sacks of Cottonseed Cake Screenings. Decree of condemnation entered. Product released under bond. (F. & D. No. 21392. I. S. No. 1769-x. S. No. C-5280.)

On November 21, 1926, the United States attorney for the District of Kansas, 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 400 sacks of cottonseed cake screenings, at Assaria, Kans., alleging that the article had been shipped by the Mutual Cottonseed Oil Mill from Ft. Worth, Tex., on or about November 8, 1926, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43 per cent Protein Cracked Cottonseed Cake Prime Quality, Manufactured by Mutual Cotton Seed Oil Mill, Fort Worth, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis: Protein not less than 43 per cent" was false and misleading and deceived and misled the purchaser to believe that the article contained not less than 43 per cent of protein, when in truth and in fact it contained a less amount.

On December 17, 1926, the Mutual Cottonseed Oil Mill, Ft. Worth, Tex., 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 \$500, conditioned in part that it be rebranded to show the true contents.

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

15241. Adulteration of butter. U. S. v. 8 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21968. I. S. No. 17310-x. S. No. W-2164.)

On or about June 14, 1927, 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 8 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Pike's Creamery, Bozeman, Mont., June 2, 1927, 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 that it was deficient in milk fat content.