

17253. Misbranding of canned tuna. U. S. v. Cohn-Hopkins (Inc.). Plea of guilty. Fine, \$25. (F. & D. No. 25007. I. S. No. 08309.)

On May 14, 1930, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Cohn-Hopkins (Inc.), a corporation, San Diego, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about October 6, 1928, from the State of California into the State of Michigan, of a quantity of canned tuna which was misbranded. The article was labeled in part: "California Brand Flakes Salad Tuna Packed by Cohn-Hopkins, Inc. * * * San Diego, Calif. Contents 7 Oz."

It was alleged in the information that the article was misbranded in that the statement, to wit, "7 Oz.," borne on the label, was false and misleading in that the said statement represented that the cans of each contained 7 ounces of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser to believe that each of said cans contained 7 ounces of the article, whereas they did not, but did contain a less amount.

On May 17, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17254. Adulteration and misbranding of potatoes. U. S. v. 1 Carload of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23877. I. S. No. 06163. S. No. 2068.)

On or about July 10, 1929, 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 1 carload of potatoes at Wichita, Kans., alleging that the article had been shipped by J. H. Kimball, from Wendell, Idaho, on or about June 27, 1929, and transported from the State of Idaho into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "U. S. No. 1 Selected Idaho Grown Potatoes."

It was alleged in the libel that the article was adulterated in that potatoes of lower grade than U. S. No. 1 had been mixed and packed therewith so as to reduce and lower its quality.

Misbranding was alleged for the reason that the statements "U. S. No. 1" and "Selected," borne on the label, were false and misleading and deceived and misled the purchaser.

On July 13, 1929, the National Brokerage Co., Wichita, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it would not be sold or offered for sale in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17255. Adulteration and misbranding of butter. U. S. v. 60 Tubs of Butter. Consent decree entered. Product ordered released under bond to be reprocessed. (F. & D. No. 24809. I. S. Nos. 028015, 028017. S. No. 3143.)

On May 14, 1930, the United States attorney for the District of New Jersey, 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 60 tubs of butter at Elizabeth, N. J., alleging that the article had been shipped by the Universal Carloading & Distributing Co., from Savanna, Ill., on or about May 1, 1930, and transported from the State of Illinois into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Stenciled on tub) "L. F. Hersh & Bro. S. C. Universal Carloading & Dist. Co. Savanna, Illinois."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.