The article was alleged to be misbranded in that the statements on the respective labels, "Le Chateau Des Vignes Port Tarragona Variete", "Le Chateau Des Vignes Sherry Jurez Variete", "Le Chateau Des Vignes Sauterne Bordeaux Variete", "Le Chateau Des Vignes Burgundy Bordeaux Variete", and "Le Chateau Des Vignes Muscatel Milano Variete", together with the design of a workman in distinctive European attire, were false and misleading and tended to deceive and mislead the purchaser, since they conveyed the impression that the product was of French origin, whereas it was California wine, and this impression was not corrected by the statement "A California Wine", appearing on the back bottle label. Misbranding was alleged for the further reason that the statement on the label, "Seaview Winery, Egg Harbor, N. J.", was false and misleading and tended to deceive and mislead the purchaser, since it was not the true name of the manufacturer; 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.

On March 22, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

24337. Misbranding of corn meal. U. S. v. Josey-Miller Co., Inc. Plea of nolo contendere. Fine, $3 and costs. (F. & D. no. 31522. Sample nos. 46482-A, 46483-A, 46486-A.)

This case was based on interstate shipments of corn meal which was short weight.

On May 16, 1934, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Josey-Miller Co., Inc., Beaumont, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 16, May 22, and June 2, 1933, from the State of Texas into the State of Louisiana, of quantities of corn meal which was misbranded. The article was labeled in part: "'Jo-Mil' * * * Pearl Meal Manufactured By Josey-Miller Co. Beaumont, Texas, 10 Lbs. Net."

The article was alleged to be misbranded in that the statement "10 Lbs. Net", borne on the sacks, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the sacks contained less than 10 pounds net of the said article.

On March 4, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $3 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

24338. Adulteration and misbranding of butter. U. S. v. Mandan Creamery Co. Plea of guilty. Fine, $30 and costs. (F. & D. no. 31502. Sample nos. 36985-A, 36987-A, 37240-A, 37241-A, 37243-A, 37244-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat and which failed to bear on the package a statement of the quantity of the contents.

On March 27, 1935, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mandan Creamery Co., a corporation, Miles City, Mont., alleging shipment in violation of the Food and Drugs Act as amended, by said company on or about May 3, May 6, May 9, and May 12, 1933, from the State of Montana into the State of Washington of quantities of butter which was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the 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 March 28, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $30 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*