

38.4 per cent of crude protein, 5.23 per cent of crude fat, and 11.0 per cent of crude fiber.

Misbranding of the article in the shipment on January 4, 1917, was alleged for the reason that the statement, to wit, "* * * chemical analysis: Crude Protein not less than 41 per cent Crude Fat not less than 6 per cent Crude Fibre not more than 10½ per cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 41 per cent of crude protein, not less than 6 per cent of crude fat, and not more than 10½ per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of crude protein, not less than 6 per cent of crude fat, and not more than 10½ per cent of crude fiber, whereas, in truth and in fact, it contained less than 41 per cent of crude protein, less than 6 per cent of crude fat, and more than 10½ per cent of crude fiber, to wit, approximately 37.06 per cent of crude protein, 5.40 per cent of crude fat, and 11.87 per cent of crude fiber.

On January 24, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

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

6877. Adulteration and misbranding of butter. U. S. * * * v. Philip Cohen. Collateral of \$25 forfeited. (F. & D. No. 9347. I. S. No. 4072-p.)

On August 25, 1919, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Philip Cohen, Washington, D. C., alleging that said defendant did offer for sale and sell at the district aforesaid, in violation of the Food and Drugs Act, on June 14, 1918, a quantity of creamery butter which was adulterated and misbranded. The article was not labeled but was sold as creamery butter.

Analysis of a sample of the article by the Bureau of Chemistry of this department indicated by the spoon test that the product was renovated butter.

Adulteration of the article was alleged in the information for the reason that a product, to wit, renovated or process butter, had been substituted in whole or in part for creamery butter, which the article purported to be.

Misbranding of the article was alleged for the reason that it was a product composed in whole or in part of renovated or process butter, and was offered for sale and sold under the distinctive name of another article, to wit, creamery butter.

On August 25, 1919, the defendant having failed to appear, the collateral of \$25 that had theretofore been deposited by him to insure his appearance was forfeited by the court.

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

6878. Misbranding of oysters. U. S. * * * v. Baratavia Canning Co., a corporation. Plea of guilty. Fine, \$10. (F. & D. No. 9349. I. S. No. 8797-p.)

On February 4, 1919, the United States attorney for the Eastern District of Louisiana, 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 Baratavia Canning Co., a corporation doing business at New Orleans, La., alleging shipment by said company, in violation of the Food and Drugs Act,

as amended, on or about April 3, 1918, from the State of Louisiana into the State of Alabama, of a quantity of an article, labeled in part "Tika Brand Cove Oysters," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the net weight to be as follows:

Number of cans.	Ounces.
2 -----	4.2
1 -----	4.3
4 -----	4.4
3 -----	4.5
4 -----	4.6
3 -----	4.7
1 -----	4.9
4 -----	5.0
1 -----	5.2
1 -----	5.3
Total 24 cans -----	112.3
Average -----	4.68
Average shortage -----	.32
Average shortage, 6.4 per cent.	

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 5 Ounces," borne on the labels attached to the cans containing the article, regarding it, was false and misleading in that it represented that each of said cans contained 5 ounces net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 5 ounces net of the article, whereas, in truth and in fact, each of said cans did not contain 5 ounces net of the article, but contained a less amount. Misbranding of the article was alleged 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 May 31, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

6879. Adulteration and misbranding of olive oil. U. S. * * * v. Simone Di Paola and Giovanni Di Paola (Di Paola Bros.). Pleas of guilty. Fine, \$400. (F. & D. No. 9351. I. S. Nos. 2012-p, 4466-p, 4467-p, 4469-p, 4470-p, 4471-p, 7301-p, 7302-p.)

On February 11, 1919, 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 an information against Simone Di Paola and Giovanni Di Paola, co-partners, trading as Di Paola Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 26, 1918, and December 22, 1917, from the State of New York into the State of New Jersey, and on January 28, 1918, into the State of Connecticut, of quantities of an article, labeled variously in part "Rinomati Oleifici Spadaro Lucca (design) Lucca Pure Olive Oil—Italia—Prodotti Italiani Olio Extrafino," "This olive oil is guaranteed to be absolutely pure and is made from the finest selected olives grown on the Italian Riviera Vergine Questo Olio D'Oliva, Prodotto Della Riviera Ligure, E. Garantito Purissimo," "Frate Del Bosco Lucca Brand Toscana-Italia Extra Fine Olive Oil Guaranteed Absolutely Pure," "Finest quality Olive Oil Extra