

Misbranding of the article was alleged in the libel 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 package.

On October 3, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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

11072. Adulteration and misbranding of canned salmon. U. S. v. Rush Estee and the Kenai Packing Co., a Corporation. Dismissed as to Kenai Packing Co. Plea of nolo contendere by Rush Estee. Fine, \$100. (F. & D. No. 15058. I. S. Nos. 10084-t, 10085-t, 10086-t, 10091-t, 10092-t, 10094-t.)

On February 1, 1922, 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 an information against Rush Estee, Seattle, Wash., and the Kenai Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said defendants in violation of the Food and Drugs Act, in two consignments, on or about December 4, 1920, and December 27, 1920, respectively, from the State of Washington to Sidney, Australia, of quantities of canned salmon which was adulterated and misbranded. The article was labeled in part, variously: "Kay-Square Brand Select Pink Salmon * * * Kenai Packing Co. Seattle, Wash.;" "Keen-Eye Finest Alaska Red Salmon * * * Kenai Packing Co. Seattle, Wash.;" "Horizon Brand Select * * * Medium Red Salmon Kenai Packing Co. Seattle Wash."

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged in substance for the reason that the statement, to wit, "Select * * * Salmon," borne on the labels attached to a number of the cans involved in the consignment of December 4, 1920, and the statement, to wit, "Finest * * * Salmon," borne on a number of the cans from said consignment, and the statements, to wit, "Fresh Fish" and "Inspected," borne on the labels attached to all the cans from said consignment, and the statement, to wit, "Select * * * Salmon," borne on the labels of the cans involved in the remaining consignment, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the said article with respect to a number of the said cans was select salmon, with respect to a number of the said cans was finest salmon, and that all of the product involved in the consignment of December 4, 1920, was fresh fish and had passed inspection by the United States Government, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article with respect to a number of the said cans was select salmon, with respect to a number of the said cans was finest salmon, and that all of the product involved in the said consignment of December 4, 1920, was fresh fish and had passed inspection by the United States Government, whereas, in truth and in fact, the article was not select salmon, it was not finest salmon, it was not fresh fish, and the product involved in the consignment of December 4, 1920, had not passed inspection by the United States Government.

On July 17, 1922, a plea of nolo contendere to the information was entered by Rush Estee, and the court imposed a fine of \$100. The Kenai Packing Co. having become bankrupt, the case against the said company was dismissed on September 29, 1922.

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

11073. Adulteration of shell eggs. U. S. v. Barnett Supply Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15592. I. S. No. 3353-t.)

On April 3, 1922, the United States attorney for the Northern District of Mississippi, 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 Barnett Supply Co., a corporation, Booneville, Miss., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 22, 1921, from the State of Mississippi into the State of Alabama, of a quantity of shell eggs which were adulterated. The article was labeled in part: (Tag) "The eggs contained in this case have been carefully candled by