

did contain a less amount. Misbranding was alleged 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 June 11, 1923, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11595. Adulteration of shell eggs. U. S. v. Albert M. Kelly. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 17077. I. S. No. 5807-v.)

On March 9, 1923, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert M. Kelly, Eakly, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 2, 1922, from the State of Oklahoma into the State of Texas, of a quantity of eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 720 eggs from the consignment showed that 672, or 93 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

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.

On June 11, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11596. Adulteration of shell eggs. U. S. v. Jacob B. Robinette (Robinette Produce Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 17078. I. S. No. 1003-v.)

On February 28, 1923, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob B. Robinette, trading as Robinette Produce Co., Duffield, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 29, 1922, from the State of Virginia into the State of Maryland, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,392 eggs from the consignment showed that 15.1 per cent of those examined were totally inedible, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

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.

On May 21, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11597. Misbranding of canned blueberries. U. S. v. Henry S. Kane. Plea of *nolo contendere*. Fine, \$50. (F. & D. No. 17145. I. S. No. 3905-v.)

On June 5, 1923, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry S. Kane, trading at Addison, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about August 19, 1922, from the State of Maine into the State of Illinois, of a quantity of canned blueberries which were misbranded. The article was labeled in part: "Canned Goods * * * Net Weight 6 Lbs. 12 Oz. Genesee Brand Blueberries."

Examination of three cans of the product by the Bureau of Chemistry of this department showed an average shortage in weight of 4.6 ounces, or 4.2 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 6 Lbs. 12 Oz.," borne on the cans containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said cans contained 6 pounds 12 ounces net weight of the said 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 the said cans contained 6 pounds 12 ounces net weight of the article, whereas, in truth and in fact, each of said cans did not