

inctive name of another article, to wit, olive oil, and for the further reason that the statements, designs, and devices borne on the said cans purported the article to be a foreign product when not so.

Misbranding was alleged with respect to the Justice brand oil for the reason that the statement, "Net Contents One Gallon," borne on the cans containing the article, regarding the said article, was false and misleading, in that it represented that each of the said cans contained 1 gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, each of said cans did not contain 1 gallon net of the article but did contain a less amount.

Misbranding was alleged with respect to the so-called table oil for the reason that the statements borne on the cans containing the article, to wit, "Net Contents One Gallon," "Finest Quality Table Oil," and "Termini Imerese Type," not corrected by the statement, "Cotton Seed Salad Oil Slightly Flavored With Olive Oil," borne in inconspicuous type in an inconspicuous place on the said cans, together with the design and device of an olive tree with natives gathering olives, borne on the said cans, regarding the article and the ingredients, and substances contained therein, were false and misleading, in that they represented that the article was, to wit, olive oil, and that each of the said cans contained 1 gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was, to wit, olive oil, and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not, to wit, olive oil, but was a mixture composed in large part of cottonseed oil and oils other than olive oil, and each of the said cans did not contain 1 gallon net of the article but did contain a less amount.

Misbranding was alleged with respect to the Justice brand oil and the so-called table oil 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 June 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines of \$150 each, a total of \$450.

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

11724. Adulteration and misbranding of tea. U. S. v. Harry A. Jones (Bohea Importing Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 17131. I. S. Nos. 3372-t, 3373-t, 4327-t, 9318-t.)

On June 7, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry A. Jones, trading as the Bohea Importing Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 17, 1920, and November 10, 1921, respectively, from the State of Maryland into the State of Louisiana, on or about June 4, 1921, from the State of Maryland into the State of Arkansas, and on or about October 28, 1921, from the State of Maryland into the State of South Carolina, of quantities of tea, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled variously: "Bohea's Special Orange Pekoe Ceylon Tea * * * Net 1½ Ozs. And Over When Packed * * * Bohea Importing Co., Baltimore, Md., U. S. A.;" "Extremely Superb 'Himalaya' Darjeeling India Tea * * * Bohea Importing Co. * * * Half Pound Net;" "King George * * * Flowery Orange Pekoe Ceylon-India Tea Bohea Importing Co. * * * ½ Pound Net Weight When Packed."

Analyses of samples of the Special Orange Pekoe Ceylon tea by the Bureau of Chemistry of this department showed that it contained a grade or grades of tea other than Orange Pekoe. Analysis of a sample of the King George brand tea by said bureau showed that it contained a substantial quantity of a grade or grades of tea other than Flowery Orange Pekoe. Examination of a sample taken from each of the consignments of the article by said bureau showed that the packages contained less tea than declared on the labels.

Adulteration of the Special Orange Pekoe Ceylon tea and the King George brand tea was alleged in the information for the reason that tea other than, to wit, Orange Pekoe leaf grade of tea or Flowery Orange Pekoe leaf grade of tea, as the case might be, had been substituted in whole or in part for the said article.

Misbranding was alleged with respect to the Special Orange Pekoe Ceylon tea and the King George brand for the reason that the statements, to wit, "Orange Pekoe * * * Tea" and "Net 1½ Ozs. And Over When Packed," borne on the labels attached to the packages containing the Special Orange Pekoe Ceylon tea, and the statements, to wit, "Flowery Orange Pekoe * * * Tea" and "½ Pound Net Weight When Packed," borne on the labels attached to the cans containing the King George brand, regarding the article and the ingredients and substances contained therein, were false and misleading, in that they represented that the former was Orange Pekoe tea, that is to say, Orange Pekoe leaf grade of tea, and that each of the said packages contained 1½ ounces net of the article, and that the latter was Flowery Orange Pekoe tea, that is to say, Flowery Orange Pekoe leaf grade of tea, and that each of the said cans contained ½ pound net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the former was Orange Pekoe tea and that each of the said packages contained 1½ ounces net of the article, and that the latter was Flowery Orange Pekoe tea and that each of the said cans contained ½ pound net of the article, whereas, in truth and in fact, the said article was not Orange Pekoe tea or Flowery Orange Pekoe tea, as the case might be, but did consist of a grade or grades of tea other than the grades represented by the said labels, and each of the said packages or cans did not contain 1½ ounces net or ½ pound net of the article, as the case might be, but did contain a less amount.

Misbranding was alleged with respect to the Himalaya brand tea for the reason that the statement, to wit, "Half Pound Net," borne on the labels attached to the packages containing the article, regarding the said article, was false and misleading, in that it represented that each of the said packages contained ½ pound 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 the said packages contained ½ pound net of the article, whereas, in truth and in fact, each of said packages did not contain ½ pound net of the article but did contain a less amount.

Misbranding was alleged with respect to the product involved in all of the consignments 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 June 8, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

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

11725. Adulteration of walnut meats. U. S. v. 20 Cases and 10 Cases of Walnut Meats. Product ordered released under bond to be used for chicken feed. (F. & D. Nos. 17260, 17391. I. S. Nos. 8332-v, 8355-v. S. Nos. W-1311, W-1352.)

On February 10 and March 20, 1923, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 30 cases of walnut meats, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped by the Sanitary Nut Shelling Co., in part from Wilmington, Calif., October 1, 1922, and in part from Los Angeles, Calif., November 26, 1922, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Dark Amber 50 Pounds Net Order Sanitary Nut Shelling Co." The remainder of the said article was labeled in part: "Light Pieces 50 Lb. Net Order Sanitary Nut Shelling Co."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On June 25, 1923, W. E. Humphrey Co., Inc., Tacoma, Wash., claimant, having confessed judgment and executed good and sufficient bonds in conformity with section 10 of the act, it was ordered by the court that the product might be released to the said claimant to be labeled, "Unfit for human consumption," and to be sold by them as chicken feed.

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