

by Mammoth Bros., or Marmarelli Bros. & Katramados, from New York, N. Y., on or about September 12, 1922, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (tag) "From Marmarelli Bros. & Katramados Importers Of Olive Oil * * * Italian, Greek and Oriental Products," and bore a design showing olive branches bearing olives, also a cut of two barrels with legend on head, "M. B. & K. Pure Olive Oil," and was invoiced as olive oil.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the product consisted of a mixture of cottonseed oil and olive oil, prepared in imitation of and sold and offered for sale under the distinctive name of another article, to wit, pure olive oil. Misbranding was alleged for the further reason that the article was labeled in part, "Importers Of Olive * * * Italian, Greek and Oriental Products," and bore a design showing olive-bearing branches, also a design of two barrels with inscription on head, "M. B. & K. Pure Olive Oil," which statements, designs, and devices were false and misleading and deceived and misled the purchaser in that they represented to purchasers that the said article was pure olive oil, whereas, in truth and in fact, it was not pure olive oil but was a product consisting of a mixture of cottonseed oil and olive oil.

On November 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

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

11929. Adulteration and misbranding of butter. U. S. v. Lakeview Creamery, Inc., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 17612. I. S. Nos. 8465-v, 10834-v.)

On September 21, 1923, the United States attorney for the District of Oregon, 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 Lakeview Creamery, Inc., a corporation, Lakeview, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about January 24 and March 5, 1923, respectively, from the State of Oregon into the State of Nevada, of quantities of butter, a portion of which was adulterated and misbranded and the remainder of which was misbranded. A portion of the article was labeled in part: "Desert Brand Pasteurized Creamery Butter Net Weight 1 Pound." The remainder of the said article was labeled in part: "Lakeview Pasteurized Creamery Butter Net Weight One Pound, in Quarters Lakeview Creamery, Lakeview, Oregon."

Analysis of a sample of the Desert brand butter by the Bureau of Chemistry of this department showed that it was high in moisture and low in butterfat. Examination of both consignments of the article by said bureau showed that the packages averaged less than 1 pound net of butter.

Adulteration was alleged with respect to the Desert brand butter for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for creamery butter, which the article purported to be.

Misbranding was alleged with respect to the said Desert brand butter for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the said Desert brand, was false and misleading in that it represented that the article consisted wholly of creamery butter, 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 consisted wholly of creamery butter, whereas it consisted of a product deficient in milk fat and contained an excessive amount of moisture. Misbranding was alleged with respect to both brands of the said butter for the reason that the statement, to wit, "Net Weight One Pound," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net of butter, 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 packages contained 1 pound net of butter, whereas each of the said packages did not contain 1 pound net of butter but did

contain a less amount. Misbranding was alleged with respect to both brands of the article 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 October 2, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

11930. Adulteration of canned salmon. U. S. v. 4,162 Cases and 2,143 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13012, 13013, 13014, 13015, 13016. I. S. Nos. 2610-r, 2941-r. S. Nos. W-482, W-484.)

On July 8, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6,305 cases of salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the G. Batcheller Hall Co., from Seattle, Wash., in part on or about July 29 and in part on or about August 16, 1919, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "4 Doz. 1 Lb. Talls Sealect Brand Alaska Pink Salmon Packed In Alaska Valdez Packing Co. Distributed By G. Batcheller Hall Co. Seattle, Wash.;" (can) "Hall's Sealect Brand Pink Salmon." The remainder of the article was labeled in part: (Case) "A. P. U.;" part of the cans were unlabeled and the rest were labeled in part: "Bright Eye Brand Pink Salmon."

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

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

11931. Misbranding of sour mixed pickles. U. S. v. 8 Cases of Sour Mixed Pickles. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15916. I. S. No. 14105-t. S. No. W-1039.)

On January 14, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of sour mixed pickles, at Denver, Colo., consigned by the California Packing Corp., San Jose, Calif., alleging that the article had been shipped from San Jose, Calif., on or about October 12, 1921, and transported from the State of California into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Del Monte Brand Quality * * * Net Weight 12 Oz. Drained Weight 8½ Oz. * * * Sour Mixed Pickles * * * California Packing Corporation * * * San Francisco California."

Misbranding of the article was alleged in the libel for the reason that the statements appearing on the tins containing the said article, to wit, "Net Weight 12 Oz. Drained Weight 8½ Oz.," were false and misleading and deceived and misled the purchaser in that the net weight of each of the said cans was less than 12 ounces and the drained weight was less than 8½ ounces. 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 April 30, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be correctly labeled and sold by the United States marshal.

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

11932. Adulteration of walnut meats. U. S. v. 7 Boxes, et al., of Walnut Meats. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16345, 17203, 17205. I. S. Nos. 11012-t, 13916-t, 8157-v, 8159-v, 8160-v. S. Nos. W-1090, W-1297, W-1300.)

On May 25, 1922, and January 31, 1923, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district