

12203. Adulteration of shell eggs. U. S. v. Joseph W. Williams. Plea of guilty. Fine, \$25. (F. & D. No. 17408. I. S. No. 7582-v.)

On June 7, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph W. Williams, Republican City, Nebr., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 7, 1922, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 200, or 13.88 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

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

On March 10, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

12204. Adulteration and misbranding of canned tuna fish. U. S. v. 1 Case and 75 Cans, et al., of Canned Tuna Fish. Default decrees of condemnation, forfeiture, and destruction, with the proviso that the product might be released under bond. (F. & D. Nos. 17009, 17011, 17017, 17018, 17032. I. S. Nos. 162-v, 169-v, 170-v, 172-v, 174-v. S. Nos. E-3260, E-3261, E-3262, E-3263, E-3264.)

On December 5, 6, 7, and 12, 1922, respectively, the United States attorney for the District of Connecticut, 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 49½ cases and 75 cans of tuna fish, remaining in the original unbroken packages in part at Bridgeport and in part at New Haven, Conn., alleging that the article had been shipped in various lots, in part by P. Pastene & Co., New York, N. Y., and in part by DeCesare & Morrocco, New York, N. Y., between the dates of June 8 and November 4, 1922, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Pasco Tonno * * * Qualita Extra * * * Tuna Fish." The remainder of the said article was labeled in part: (Can) "Tonno In Olio Di Oliva Marca Pasco Pasco Brand * * * Bonita Packed With Double Olive Oil;" (case) "100 No. 1 Quarter Tuna Cans Kanopen."

Adulteration of the article was alleged in substance in the libels for the reason that bonita had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels on a portion of the article bore statements, designs, and devices as follows, (can) "Tuna Fish * * * Packed For Purity Products Co.," and the labels on the remainder thereof bore statements, designs, and devices as follows, "Tuna" and "Tonno," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, tuna fish.

On December 5, 1923, P. Pastene & Co., New York, N. Y., claimant, having withdrawn its appearance theretofore entered, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal, with the proviso that the product might be released to the said P. Pastene & Co. upon payment of the costs of the proceedings on or before December 10, 1923, and the execution of a good and sufficient bond in conformity with section 10 of the act.

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

12205. Misbranding of canned shrimp. U. S. v. Soal S. Goffin. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 17072. I. S. Nos. 5592-t, 13166-t.)

On April 5, 1923, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Soal S. Goffin, Jacksonville, Fla., alleging shipment by said defendant, in violation of the food and drugs act, as amended, on or about September 15, 1921, from the State of Florida into the States of Massachusetts and Maine of quantities of canned shrimp which was misbranded. The article was labeled in part: (Can)

“St. Johns * * * Fresh Shrimp * * * The Smiling Brand * * * Packed By The Nassau Sound Packing Co. Jacksonville, Fla. S. S. Goffin, Proprietor Net Weight Wet Pack 5 $\frac{3}{4}$ Oz.”

Examination by the Bureau of Chemistry of this department showed that the average weight of 24 cans from one shipment was 5.35 ounces and that the average weight of 18 cans from the other shipment was 5.57 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, “Net Weight * * * 5 $\frac{3}{4}$ Oz.,” borne on the labels attached to the cans containing the said article, was false and misleading, in that it represented that each of said cans contained 5 $\frac{3}{4}$ ounces 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 said cans contained 5 $\frac{3}{4}$ ounces of the said article, whereas, in truth and in fact, each of said cans did not contain 5 $\frac{3}{4}$ ounces of the article but 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 January 8, 1924, 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.*

12206. Misbranding of olive oil. U. S. v. George P. Papadopoulos. Plea of guilty. Fine, \$100. (F. & D. No. 16966. I. S. Nos. 1809-t, 1810-t, 17029-t.)

On February 26, 1923, 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 George P. Papadopoulos, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about March 4, 1922, from the State of New York into the State of Missouri and into the District of Columbia of quantities of olive oil which was misbranded. The article was labeled in part: (Can) “Olio d’Oliva * * * Vergine * * * Net Contents Full Gallon” (or “Net Contents Full Quarter Gallon”) “* * * G. P. Papadopoulos New York, U. S. A.”

Examination by the Bureau of Chemistry of this department showed that the average volume of 22 so-called gallon cans from the shipment into the District of Columbia was 0.968 gallon and that the average volume of 10 so-called gallon cans from the shipment into Missouri was 0.971 gallon. Examination by said bureau showed that the average volume of 15 of the so-called quarter-gallon cans was 0.242 gallon.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, “Net Contents Full Gallon” and “Net Contents Full Quarter Gallon,” borne on the respective-sized cans containing the article, were false and misleading in that they represented that each of the said cans contained one gallon net or one-quarter gallon net of the article, as the case might be, 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 one gallon net or one-quarter gallon net of the said article, as the case might be, whereas, in truth and in fact, the said cans did not contain the amount declared on the respective labels but 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 packages.

On October 1, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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

12207. Adulteration and misbranding of butter. U. S. v. 1 Case of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18150. I. S. No. 15278-v. S. No. B-4634.)

On December 10, 1923, the United States attorney for the District of Massachusetts, 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 1 case of butter, remaining in the original unbroken package at Boston, Mass., alleging that the article had been shipped by the J. B. [J. G.] Turnbull Co., from Orleans, Vt., on or about November 19, 1923, and transported from the State of Vermont into the State of Massachusetts and charging adulteration and misbranding in violation of the food and drugs