

act. The article was labeled in part: "One Pound, Net Weight Lamouille * * * Creamery * * * Made in the Finest Dairy Section in Vermont."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat and containing excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in whole and in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the statement on the label, "Butter * * * Guaranteed * * * Pure," was false and misleading and deceived and misled the purchaser in that the said statement represented that the article was pure butter, whereas, in truth and in fact, it was not but was a product deficient in butterfat and containing excessive moisture. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, butter, whereas, in truth and in fact, it was not butter but was a product deficient in butterfat and containing excessive moisture.

On February 14, 1924, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product should be sold by the United States marshal.

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

12208. Misbranding of olive oil. U. S. v. The Youngstown Grocery Co., Inc., a Corporation. Plea of nolo contendere. Fine, \$100. (F. & D. No. 17415. I. S. No. 1274-v.)

On June 26, 1923, the United States attorney for the Northern District of Ohio, 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 Youngstown Grocery Co., Inc., a corporation, Youngstown, Ohio, alleging shipment by said company, in violation of the food and drugs act, as amended, on or about August 4, 1922, from the State of Ohio into the State of West Virginia, of a quantity of olive oil which was misbranded. The article was labeled in part: "Olio D'Oliva Purissimo Marca Garibaldi * * * Marca Depositata Francesco Silvestri Lucca (Italy) * * * Net Contents Full Quarter Gallon."

Examination of 18 cans of the article by the Bureau of Chemistry of this department showed an average shortage of 5.4 per cent in the contents of the said cans.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Olio D'Oliva Purissimo Marca Garibaldi * * * Marca Depositata Francesco Silvestri Lucca (Italy)" and "Net Contents Full Quarter Gallon," borne on the cans containing the article, regarding the said article, were false and misleading in that they represented that the article was an olive oil packed by Francesco Silvestri at Lucca in the Kingdom of Italy and that each of said cans contained 1 full quarter gallon net 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 it was an olive oil packed by Francesco Silvestri at Lucca in the Kingdom of Italy and that each of said cans contained 1 full quarter gallon net of the said article, whereas, in truth and in fact, the article was not an olive oil packed by Francesco Silvestri at Lucca in the Kingdom of Italy but was an article packed in the United States of America, and each of said cans did not contain 1 full quarter gallon net 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 December 17, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

12209. Adulteration of cocoa. U. S. v. 51 Drums of Cocoa. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17093. I. S. No. 208-v. S. No. E-4253.)

On December 28, 1922, the United States attorney for the District of Connecticut, 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 51 drums of cocoa, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been