

product examined was 17.67 per cent and the average fat content of said samples was 79.03 per cent.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent of milk fat had been substituted for butter, a product which, as prescribed by the act of March 4, 1923, should contain not less than 80 per cent by weight of milk fat.

Misbranding was alleged for the 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 9, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

**12458. Misbranding of olive oil. U. S. v. 840 Cans of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16188. I. S. No. 5553-t. S. No. E-3794.)**

On March 4, 1922, the United States attorney for the District of Rhode Island, 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 840 cans of olive oil at Providence, R. I., alleging that the article has been shipped by Poleti & Co., Inc., from New York, N. Y., on or about November 7, 1921, and transported from the State of New York into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Contains One Quart Full Measure Poleti & Co."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Contains One Quart Full Measure," borne on the cans containing the article, was false and misleading in that the said statement represented that the said cans each contained 1 quart 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 the said cans each contained 1 quart net of the article, whereas, in truth and in fact, each of said cans did not contain 1 quart net of the said 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, since the stated quantity, to wit, "Contains One Quart Full Measure," was incorrect and represented more than the actual contents of the package.

On July 2, 1924, Poleti & Co., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$450, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

**12459. Adulteration of canned salmon. U. S. v. 800 Cases of Salmon. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 18075. I. S. No. 19312-v. S. No. C-4195.)**

On November 20, 1923, the United States attorney for the Western District of Tennessee, 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 800 cases of salmon at Memphis, Tenn., alleging that the article had been shipped by the Sanitary Fish Co., from Anacortes, Wash., on or about September 5, 1923, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Double 'Q' \* \* \* Select 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 June 30, 1924, P. E. Harris & Co. having appeared as claimant 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 and that the costs be assessed against the said claimant and surety.

HOWARD M. GORE, *Secretary of Agriculture.*