

package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 10, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**13359. Adulteration of canned salmon. U. S. v. Carlisle Packing Co. Plea of guilty. Fine, \$100.** (F. & D. No. 19253. I. S. No. 11493-v.)

At the November, 1924, term of the United States District Court, within and for the Western District of Washington, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Carlisle Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about August 14, 1923, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

Examination of a sample consisting of 960 cans of the article by the Bureau of Chemistry of this department showed that 173 cans or 18 per cent of the cans contained decomposed salmon.

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

On January 12, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**13360. Adulteration and misbranding of butter. U. S. v. 32 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17586. I. S. No. 678-v. S. No. E-4422.)

On June 30, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying the seizure and condemnation of 32 boxes, each containing 32 1-pound prints, of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia by Morris & Co., a branch of the North American Provision Co., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Morris' Supreme Fancy Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water 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 butter, which the said article purported to be, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the label, was false and misleading, in that it represented that the article was butter, and for the further reason that it was labeled "Butter," so as to deceive and mislead the purchaser into the belief that it was butter, whereas it was not butter but was a product containing excessive moisture and deficient in butterfat.

On August 20, 1923, the North American Provision Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 \$1,200, in conformity with section 10 of the act.

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

**13361. Adulteration and misbranding of evaporated apples. U. S. v: 21 Cases of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond to be reconditioned.** (F. & D. No. 20010. I. S. No. 21836-v. S. No. C-4714.)

On April 16, 1925, the United States attorney for the Eastern District of Kentucky, 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 21 cases of evaporated apples, at Ashland, Ky., alleg-

ing that the article had been shipped by C. C. Hall (Inc.), from Brighton, N. Y., on or about November 22, 1924, and transported from the State of New York into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Monogram Brand Evaporated Apples Packed By C. C. Hall, Inc Rochester, N. Y. Sulphured."

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

Misbranding was alleged for the reason that the statement in the labeling "Evaporated Apples" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article, viz, evaporated apples.

On May 23, 1925, C. C. Hall (Inc.), Rochester, 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 \$100, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until dried down to the proper moisture content.

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

**13362. Adulteration and misbranding of baking powder. U. S. v. 59 Cases of Baking Powder. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19950. I. S. No. 20880-v. S. No. W-1689.)

On March 31, 1925, 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 59 cases of baking powder, remaining in the original unbroken packages at Denver, Colo., consigned by the Omaha Jobbing Co., Omaha, Nebr., alleging that the article had been shipped from Omaha, Nebr., on or about January 3, 1925, and transported from the State of Nebraska into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, variously, in part: "Snow Flake Baking Powder"; "Chapman's \* \* \* Baking Powder"; "Quaker Baking Powder"; "Mascot Brand Baking Powder"; "Crown Baking Powder"; "Grape Crystal Baking Powder"; "Bon Bon Grant's Baking Powder"; "Jack Frost Baking Powder"; "Victor Baking Powder"; "Shepard's Baking Powder"; and "Kansas City Baking Powder."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in available carbon dioxide had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Baking Powder" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 2, 1925, 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.*

**13363. Adulteration and misbranding of vinegar. U. S. v. 17 Barrels of Vinegar. Default decree of condemnation, forfeiture and destruction.** (F. & D. No. 17052. I. S. No. 10659-v. S. No. C-2946.)

On January 24, 1923, the United States attorney for the Western District of Michigan, 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 17 barrels of vinegar, remaining in the original unbroken packages at Hancock, Mich., alleging that the article had been shipped by the National Vinegar Co., from Buffalo, N. Y., on or about June 2, 1922, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Cider Vinegar Made From Apples \* \* \* Distributed By National Vinegar Company Buffalo, N. Y."

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple product had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality