

and condemnation of 543 cases of canned peas, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Bark River Packing Co., Merton, Wis., on or about November 27, 1925, and transported from the State of Wisconsin into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Red Rose (Robe) Brand Little Miss Muffet Peas."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine had been mixed and packed therewith so as to reduce, lower, or 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 designation "Peas," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 14, 1926, the Rosen-Reichardt Brokerage Co., St. Louis, Mo., having appeared as claimant for the property, a decree was entered, adjudging the product misbranded and liable to seizure, condemnation, and confiscation, and it was ordered by the court that the product be released to the said claimant under the terms of a bond conditioned that it be relabeled as follows: "Slack-filled, contains excessive brine, contents 12.2 ounces of peas. This can should contain 13.5 ounces of peas," and that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

14332. Adulteration and misbranding of apples. U. S. v. Joseph E. Almeder (Almeder, Eames & Co.). Plea of nolo contendere. Case placed on file. (F. & D. No. 19247. I. S. No. 10545-v.)

On January 7, 1925, 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 an information against Joseph E. Almeder, trading as Almeder, Eames & Co., Boston, Mass., alleging shipment by said defendant, in violation of the food and drugs act, on or about October 1, 1923, from the State of Massachusetts into the State of Maine, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: "Massachusetts Standard Fancy Grade Min. Size 2-3/4 Inches * * * Packed By Almeder Eames & Co., Boston, Mass."

Adulteration of the article was alleged in the information for the reason that apples of a lower grade than Massachusetts standard fancy grade apples and less than 2 3/4 inches in diameter each had been substituted in part for Massachusetts standard fancy grade apples of not less than 2 3/4 inches in diameter each, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Massachusetts Standard Fancy Grade Min. Size 2-3/4 Inches," borne on the barrels containing the article, was false and misleading, in that the said statement represented that the said apples were Massachusetts standard fancy grade apples of not less than 2 3/4 inches in diameter each, and for the further reason that the apples were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were Massachusetts standard fancy grade apples of not less than 2 3/4 inches in diameter each, whereas they were of lower grade than represented and less than 2 3/4 inches in diameter each. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article.

On May 20, 1926, the defendant entered a plea of nolo contendere to the information, and the court ordered the case placed on file.

W. M. JARDINE, *Secretary of Agriculture.*

14333. Adulteration and misbranding of linseed oil meal. U. S. v. The Mann Bros. Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19292. I. S. Nos. 10597-v, 10598-v, 13709-v, 15997-v, 16021-v.)

On March 10, 1925, the United States attorney for the Western 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 the Mann Bros. Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or