

**14379. Misbranding of butter. U. S. v. 28 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20978. I. S. No. 4076-x. S. No. C-4994.)**

On February 27, 1926, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Lexington Co-operative Creamery, Lexington, Miss., on or about February 16, 1926, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Mississippi State Brand Butter This butter is manufactured by the Mississippi Creameries Co-operative Association \* \* \* This Package contains 16 ounces net weight when packed."

Misbranding of the article was alleged in the libel for the reason that the statement "16 ounces net weight," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the contents of the said cartons actually weighed less than indicated on the label.

On March 23, 1926, the Lexington Co-operative Creamery, Lexington, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$500, conditioned in part that it be reconditioned to meet the requirements of the law, and not used, sold or disposed of until inspected by a representative of this department.

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

**14380. Misbranding of cottonseed meal. U. S. v. 30 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 18790. I. S. No. 22260-v. S. No. E-4868.)**

On June 17, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 sacks of cottonseed meal, remaining in the original unbroken packages at Walkersville, Md., alleging that the article had been shipped by F. W. Brode Corp., from Shelby, Miss., and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Owl Brand 41% Prime Cotton Seed Meal \* \* \* Protein (Min.) 41.00% \* \* \* Nitrogen (Min.) 6.56% \* \* \* Manufactured for F. W. Brode Corporation Memphis, Tenn."

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Guaranteed Analysis \* \* \* 41% Prime Cotton Seed Meal \* \* \* Protein (Min.) 41.00% \* \* \* Nitrogen (Min.) 6.56%," borne on the label, were false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 41 per cent of protein, whereas it contained a less amount.

On December 17, 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.

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

**14381. Adulteration of canned salmon. U. S. v. John Klaeboe. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19751. I. S. No. 2003-x.)**

On June 21, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Klaeboe, Seattle, Wash., alleging shipment by said defendant, in violation of the food and drugs act, on or about January 31, 1925, from the State of Washington into the State of Kentucky, of a quantity of canned salmon which was adulterated. The article was labeled in part: (Can) "Petco Brand \* \* \* Select Pink Salmon."

Examination by the Bureau of Chemistry of this department of 96 cans from the shipment showed that 32 cans, or 33 per cent, contained putrid, tainted or stale fish.

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

On June 21, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

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

**14382. Misbranding of salad oil. U. S. v. 12 Cartons of Salad Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20554. I. S. No. 6952-x. S. No. E-5530.)**

On November 6, 1925, 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 seizure and condemnation of 12 cartons of salad oil, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Reliable Importing Co., New York, N. Y., on or about September 5, 1925, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "Six—1 Gallon Cans," (can) "Contadina Brand Superior Quality Pure Vegetable Salad Oil \* \* \* 0.98 Of One Gallon Or 7½ Lbs. Net."

Misbranding of the article was alleged in the libel for the reason that the labels on the cans, to wit, "0.98 Of One Gallon Or 7½ Lbs. Net," and on the case, to wit, "Six—1 Gallon Cans," were false and misleading and deceived and misled the purchaser. 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, since the statements made were not correct.

On June 2, 1926, the Reliable Importing Co., Inc., 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 \$150, conditioned in part that it be recanned under the supervision of this department, so that the labels show the true volume, to wit, 1 full gallon.

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

**14383. Misbranding of olive oil. U. S. v. 36 Cans of Olive Oil. Decree of condemnation and forfeiture entered. Product released under bond to be destroyed. (F. & D. No. 20177. I. S. No. 24956-v. S. No. E-5316.)**

On May 29, 1925, 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 seizure and condemnation of 36 cans of olive oil, remaining in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by the Elysee Olive Oil Co., New York, N. Y., on or about March 14, 1925, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sena Brand Pure Virgin Imported Olive Oil \* \* \* Contents Half Gallon Net."

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the said cans bore the following statements, designs and devices, "Contents Half Gallon Net," "Samuel Sena \* \* \* Waterbury, Conn.," which were intended to induce the purchaser to believe that the cans contained ½ gallon of the product, when, in truth and in fact, they did not. 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 August 31, 1925, the Elysee Olive Oil Co., Inc., 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 good and sufficient bond, conditioned in part that upon receipt of the product at New York, N. Y., the claimant destroy it in the presence of a representative of this department.

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