

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 statement "Net Contents 5 Ounces," borne on the label, was false and misleading and deceived and misled the purchaser, and in 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 July 27, 1927, Kockos Bros., Inc., San Francisco, Calif., having appeared as claimant for the property 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 delivered 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 it be made to conform with the Federal food and drugs act under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15712. Adulteration of chestnuts. U. S. v. 20 Bags, et al, of Chestnuts. Consent decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22305 to 22311, incl. I. S. Nos. 14898-x, 14899-x, 14900-x, 20726-x, 20727-x, 20728-x, 20729-x. S. No. 346.)

On December 20, 1927, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 84 bags of chestnuts, at San Juan, P. R., alleging that the article had been shipped by Thomas Pipitone, Inc., New York, N. Y., on or about December 1, 1927, to Porto Rico, and was being offered for sale and sold by various consignees, namely, Luina Hnos. Sucs, Manual Quintana & Hno., Sucs. de F. Font y Hno., Sucs, de A. Suarez & Co., Casanovas & Company, Sucs. de Jose Fernandez, and Fuertes y. Rodriguez, all of San Juan, P. R., and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 28, 1927, Thomas Pipitone, Inc., New York, N. Y., and Luina Hnos., Sucs., Manual Quintana & Hno., Sucs. de F. Font y Hno., Sucs. de A. Suarez & Co., Casanovas & Co., Sucs de Jose Fernandez, and Fuertes y Rodriguez, all of San Juan, P. R., having appeared as claimants and owners of respective lots of the product, and said claimants having confessed the said libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15713. Adulteration of fig bars. U. S. v. 3 Boxes of Fig Bars. Default decree of destruction entered.** (F. & D. No. 22314. I. S. No. 13090-x. S. No. 359.)

On December 21, 1927, the United States attorney for the District of Utah, 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 3 boxes of fig bars, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Andrews-Wilmans Biscuit Co., from San Francisco, Calif., on or about December 2, 1927, and transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that each of the said fig bars showed the presence of worms, and in that the said article consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On February 4, 1928, no claimant having appeared for the property, a decree was entered ordering that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15714. Adulteration of canned sardines. U. S. v. 8 Cases of Casco Brand American Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22422. I. S. No. 21038-x. S. No. 520.)

On February 6, 1928, 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 seizure and condemnation of 8 cases of Casco Brand American Sardines, remaining in the original un-

broken packages at Providence, R. I., alleging that the article had been shipped by the Brawn Co., from Plymouth, Mass., on or about December 2, 1927, and transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Casco Brand American Sardines \* \* \* The Brawn Company, Portland, Maine & Plymouth, Mass. \* \* \*."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 10, 1928, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15715. Adulteration of tomato puree. U. S. v. 650 Cases of Tomato Puree. Default decree of forfeiture and destruction.** (F. & D. No. 21972. I. S. No. 16397-x. S. No. E-6067.)

On July 11, 1927, the United States attorney for the Eastern 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 a libel praying seizure and condemnation of 650 cases of tomato puree, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Farmers Canning Co., Dunreith, Ind., May 23, 1927, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 2, 1927, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15716. Adulteration and misbranding of butter. U. S. v. Nelson-Ricks Creamery Co. Plea of guilty. Fine, \$50.** (F. & D. No. 22538. I. S. Nos. 17028-x, 17029-x, 17113-x, 17118-x.)

On December 6, 1927, the United States attorney for the District of Utah, 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 Nelson-Ricks Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, in various lots, on or about April 9, April 15, and August 16, 1927, respectively, from the State of Utah into the State of Nevada, of quantities of butter, which was misbranded, and a portion of which was also adulterated. The article was labeled in part: (Packages) "Banquet Better Butter Pasteurized Nelson-Ricks Creamery Company Salt Lake and Ogden \* \* \* 1 Pound Net" or "Gold Nugget Pasteurized Butter One Pound Net \* \* \* \*Manufactured by Nelson-Ricks Creamery Company, Salt Lake and Ogden."

It was alleged in the information that the article was misbranded in that the statement, "1 Pound Net," or "One Pound Net," as the case might be, borne on the labels, was false and misleading in that the said statement represented that the packages each contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages each contained 1 pound of butter, whereas they did not, but each of a number of said packages contained a less quantity. 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, in that the quantity stated on each of a number of said packages represented more than the actual contents thereof.

Adulteration was alleged with respect to the "Gold Nugget" butter for the reason that a substance purporting to be butter, but which was not butter in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by the Act of Congress of March 4, 1923.

Misbranding of the said "Gold Nugget" butter was alleged for the reason that the statement, "Butter," borne on the label, was false and misleading in that it represented the article to be butter, to wit, an article containing not less than 80 per cent by weight of milk fat, as required by law, and for the