

quality and strength, and had been substituted in part for oyster meat, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Oysters" and "Net Contents 5 Ounces Oyster Meat", borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article consisted wholly of oysters and that each of the cans contained 5 ounces of oyster meat; whereas it did not consist wholly of oysters, but did consist in part of excessive brine, and each of said cans did not contain 5 ounces 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.

On February 28, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

24180. Adulteration of oysters. U. S. v. Wallace M. Quinn (The Wallace M. Quinn Co.). Plea of nolo contendere. Fine, \$25 and costs. (F. & D. no. 29342. I. S. nos. 43251, 43252.)

This case was based on an interstate shipment of oysters which were found to contain added water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Wallace M. Quinn, trading as the Wallace M. Quinn Co., Crisfield, Md., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about December 21, 1931, from the State of Maryland into the State of Pennsylvania, of a quantity of oysters which were adulterated. The article was labeled in part: "Packed By The Wallace M. Quinn Co. Crisfield, Md."

The article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and in that an added substance, water, had been substituted in part for the article.

On January 9, 1935, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

24181. Adulteration of butter. U. S. v. Eustis Cooperative Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 29414. Sample no. 10397-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On August 8, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Eustis Cooperative Creamery Co., a corporation, Eustis, Nebr., alleging shipment by said company on or about May 3, 1932, from the State of Nebraska into the State of New York, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On March 4, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

24182. Adulteration and misbranding of butter. U. S. v. Paul A. Schulze Co. Plea of nolo contendere. Fine, \$300. (F. & D. no. 29525. Sample nos. 10940-A, 10941-A, 34880-A, 34884-A.)

This case was based on interstate shipments of butter that contained less than 80 percent by weight of milk fat.

On February 5, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Paul A. Schulze Co., a corporation, St. Louis, Mo., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 19, 1932, from the State of Missouri into the State of New York, and on or about January 24 and February 4, 1933, from the State of Missouri into the State of Pennsylvania, of quantities of butter which was adulterated and misbranded. The article was labeled in

part, variously: "Trojan Brand Creamery Butter Packed Expressly for The Lawlor & Cavanaugh Company"; "Clover Springs Select Cream Country Roll Butter * * * Distributed By Paul A. Schulze Co., St. Louis, Mo. One Pound Net"; "1 Lb Net Weight No. 773."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to portions of the article for the reason that the statement "Butter", borne on the package labels, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat; whereas it was not butter as defined by law, but was a product containing less than 80 percent by weight of milk fat.

On October 10, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$300.

M. L. WILSON, *Acting Secretary of Agriculture.*

24183. Adulteration and misbranding of canned chicken. U. S. v. 300 Cases and 299 Cases of Canned Chicken. Decree providing for release of product under bond to be relabeled. (F. & D. no. 30038. Sample nos. 29255-A, 29256-A.)

This case involved an interstate shipment of canned chicken which was found to contain packing medium (broth) in excess of the amount necessary for proper processing. The product fell below the standard established by the Secretary of Agriculture and was not labeled to indicate that it was sub-standard.

On April 1, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 599 cases of canned chicken at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 28, 1933, by the Washington Cooperative Egg & Poultry Association, from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Lynden Brand Boneless Roast Chicken Breast and Legs."

The article was alleged to be adulterated in that broth had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statement "Boneless Roast Chicken" was false and misleading and deceived and misled the purchaser, when applied to canned chicken containing excessive packing medium. Misbranding was alleged for the further reason that the article was canned food and failed to meet the standard for fill of container established by regulation of this Department, since the packing medium exceeded that necessary for proper processing.

On March 11, 1935, the Washington Cooperative Egg & Poultry Association having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the product be delivered to the claimant under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

24184. Misbranding of peanut meal. U. S. v. Eufaula Cotton Oil Co. Tried to the court. Judgment of guilty. Fine, \$25. (F. & D. no. 30305. Sample no. 17791-A.)

This case was based on an interstate shipment of peanut meal that contained less protein than declared on the label.

On July 27, 1934, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Eufaula Cotton Oil Co., a corporation, Eufaula, Ala., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 11, 1932, from the State of Alabama into the State of Maryland, of a quantity of peanut meal that was misbranded. The article was labeled in part: "Green Tag Brand Prime Peanut Meal Guaranteed Analysis Protein, Minimum 45.00% * * * Manufactured for Green-Mish Company Washington District of Columbia."