23037. Misbranding of mayonnaise. U. S. v. Vita-Foods, Inc. Plea of nolo contendere. Fine, $50. (F. & D. no. 32131. Sample no. 39878–A.)

This case was based on a shipment of mayonnaise that contained added undeclared starch and that was also short weight.

On August 13, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vita-Foods, Inc., a corporation, Jacksonville, Fla., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about February 18, 1933, from the State of Florida into the State of Georgia, of a quantity of mayonnaise which was misbranded. The article was labeled in part: "Vita Food Brand Mayonnaise Vita-Foods, Inc., Jacksonville, Fla. 7 Fl. Oz."

The article was alleged to be misbranded in that the statements, "Mayonnaise * * * 7 Fl. Oz.", borne on the jar labels, were false and misleading, and in that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was mayonnaise and contained no substance that mayonnaise does not contain, and that the jars contained 7 fluid ounces of the article; whereas it contained starch, a substance which is not a component of mayonnaise, and the jars contained less than 7 fluid ounces. 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, since the packages contained less than declared.

On October 5, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of $50.

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

23038. Adulteration and misbranding of baking powder. U. S. v. Albert Krout Co. Plea of nolo contendere. Sentence suspended and defendant placed on probation. (F. & D. no. 32188. Sample no. 55525–A.)

This case was based on a shipment of baking powder that contained insufficient available carbon dioxide. The label bore no statement of the quantity of the contents.

On August 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Albert Krout Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about October 23, 1933, from the State of Pennsylvania into the State of New Jersey, of a quantity of baking powder which was adulterated and misbranded. The article was labeled in part: "Krout's Baking Powder * * * Manufactured by Albert Krout Co. Philadelphia."

The article was alleged to be adulterated in that a product deficient in available carbon dioxide for baking powder had been substituted for baking powder, which the article purported to be.

Misbranding was alleged for the reason that the statement "Baking Powder", borne on the label, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not baking powder, in that it was deficient in available carbon dioxide for baking powder. Misbranding was alleged for the further reason that an article deficient in available carbon dioxide had been offered for sale under the distinctive name of another article, namely, baking powder, 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.

On October 30, 1934, a plea of nolo contendere was entered on behalf of the defendant company. Sentence was suspended and the defendant placed on probation for 30 days.

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

23039. Adulteration and misbranding of wheat bran. U. S. v. Blish Milling Co. Judgment of guilty. Fine, $50. (F. & D. no. 32189. Sample no. 68554–A.)

This case was based on a shipment of bran that was found to contain scourings or screenings and scourings.

On or about July 5, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Blish Milling Co., a corporation, Seymour, Ind., alleging shipment by said company, in violation of the Food and