

On May 18, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed judgment against said company in the sum of \$50, in lieu of fine and costs.

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

13639. Adulteration and misbranding of butter. U. S. v. D. E. Wood Butter Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 19327. I. S. Nos. 19025-v, 19028-v.)

On April 14, 1925, the United States attorney for the Western District of Wisconsin, 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 D. E. Wood Butter Co., a corporation, trading at Evansville, Wis., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 11, 1924, from the State of Wisconsin into the State of Illinois, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "Butter Cup Brand * * * One Pound Net." The remainder of the said article was labeled in part: "Monogram Brand Elgin Quality Creamery Butter The D. E. Wood Butter Co. Evansville Wis."

Analyses by the Bureau of Chemistry of this department of 4 samples of the Butter Cup brand and 6 samples of the Monogram brand showed an average of 79.56 per cent and 78.08 per cent, respectively, of fat. Sixty prints of the Butter Cup brand averaged 15.8 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "One Pound Net," with respect to the Butter Cup brand and the statement, to wit, "Creamery Butter," with respect to the Monogram brand, borne on the labels, were false and misleading, in that the said statements represented that the article consisted wholly of butter and that the packages of the Butter Cup brand contained 1 pound net 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 it consisted wholly of butter, and that the packages contained 1 pound net of butter, whereas it did not consist wholly of butter but did consist of a product deficient in milk fat, and the packages did contain less than 1 pound of butter. Misbranding was alleged for the further reason that the statements "Butter" and "Creamery Butter," borne on the Monogram brand, were false and misleading, in that they represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged with respect to the Butter Cup brand 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 June 10, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

13640. Adulteration of canned salmon. U. S. v. Gorman & Co. Plea of guilty. Fine, \$200. (F. & D. No. 18734. I. S. Nos. 6482-v, 18715-v to 18720-v, incl.)

On July 28, 1924, 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 Gorman & Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 24, 26, and 28, 1923, respectively, from the State of Washington into the State of Arkansas, of quantities of canned salmon which was adulterated. The article was labeled in part: (Can) "Gorman's Pink Salmon" (or "Chum Salmon") "Distributed By Gorman and Company Seattle, U. S. A."

Examination by the Bureau of Chemistry of this department of samples from the different shipments showed from 30 per cent to 65 per cent of decomposed salmon.

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

On March 25, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

13641. Adulteration and misbranding of tomato paste. U. S. v. 100 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19436. I. S. No. 19130-v. S. No. C-4592.)

On December 26, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of tomato paste, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by G. Matalone, from Chicago, Ill., on or about October 23, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Sauce. * * * Packed By Hershel Cal. Fruit Prod. Co. Packers Of Contadina Brand San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared upon the label.

On July 29, 1925, the Busalacchi Bros. Macaroni Co., Milwaukee, Wis., claimant, having admitted the allegations of the libel 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 released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

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

13642. Adulteration and misbranding of canned tomato paste. U. S. v. 319 Cases of Tomato Paste. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19445, 19446. I. S. No. 22851-v. S. No. C-4591.)

On December 27, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 319 cases of tomato paste, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Southwestern Canning Corp., New Orleans, La., on or about September 23, 1924, and transported from the State of Louisiana 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) "American Beauty Brand Napoli Type Tomato Paste with Basil Salsa di Pomodoro Packed and Guaranteed by A. Mannino, Los Angeles, California."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce [Paste]" was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared on the label.

On March 31, 1925, V. Viviano & Bros. Macaroni Mfg. Co., and Mariano Costa and Joseph Sciales, a copartnership, trading as Sciales Grocery Co., both of St. Louis, Mo., having appeared as claimants for respective portions of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon the filing of a good and sufficient bond, in conformity with section 10 of the act, and that the claimants pay the costs of the proceedings.

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