

Cotton Oil Co., Valdosta, Ga., to be relabeled, upon payment of costs and the execution of a good and sufficient bond conditioned according to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17433. Misbranding of butter. U. S. v. 7 Cases, et al., of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 24057. I. S. No. 08787. S. No. 2198.)

Samples of butter from the herein described shipment having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Georgia.

On August 13, 1929, the United States attorney filed in the United States District Court for the said district a libel praying seizure and condemnation of 7 cases and 17 pounds of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Macon Creamery Co., Macon, Miss., on or about August 6, 1929, and had been transported in interstate commerce from the State of Mississippi into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail carton) "White Pearl Brand Creamery Butter, Macon Creamery Co., Macon, Miss., One Pound Net Weight When Packed."

It was alleged in the libel that the article was misbranded in that the statement on the package, "One Pound," was false and misleading and deceived and misled the purchaser, since the said packages did not contain 1 pound of butter. Misbranding was alleged for the further reason that the article was in package form and failed to bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the package, since the packages were short weight.

On August 29, 1929, the Macon Creamery Co., Macon, Miss., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned so that it comply with the Federal food and drugs act, upon payment of costs and the execution of a bond in the sum of \$200, conditioned as required by law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17434. Adulteration and misbranding of tomato puree. U. S. v. Wm. Laning & Sons Co. Plea of guilty. Fine, \$300. (F. & D. No. 23753. I. S. Nos. 03175, 03181, 03252, 03267, 03272.)

Samples of the tomato puree from the shipments herein described having been found to contain decomposed material from the use in part of unsound tomato trimmings, cores, and skins, the Secretary of Agriculture reported the facts to the United States attorney for the District of New Jersey.

On November 6, 1929, the United States attorney filed in the District Court of the United States for said district an information against Wm. Laning & Son Co., a corporation, Bridgeton, N. J., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about September 27, October 6, October 25, and November 7, 1928, respectively, from the State of New Jersey into the State of Pennsylvania of quantities of tomato puree, which was adulterated and misbranded. The article was labeled in part: "Silver Lake Brand * * * [design of whole red ripe tomato] Whole Tomato Puree * * * Quality Guaranteed. Packed By Wm. Laning & Son Co. Bridgeton, * * * N. J."

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

Misbranding was alleged for the reason that the statements, to wit, "Whole Tomato Puree * * * Quality Guaranteed," together with the design of a whole, red, ripe tomato, borne on the cans containing the article, were false and misleading in that the said statements and design represented that the article was puree made from sound, whole, red, ripe tomatoes; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was puree made from sound, whole, red, ripe tomatoes, whereas it was not, but was made in major part from tomato trimmings, cores, and skins, which were in part moldy, decomposed, and unsound.

On December 9, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*