

17978. Adulteration and misbranding of tomato puree. U. S. v. 999 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25656. I. S. No. 15663. S. No. 3862.)

Samples of tomato puree from the herein-described shipment having been found to be decomposed and improperly labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On January 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 999 cases of tomato puree, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Fettig Canning Co., Elwood, Ind., alleging that the article had been shipped from Elwood, Ind., on or about September 15, 1930, and transported from the State of Indiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Mary's Choice Brand, Extra Standard Tomatoes [overstamped "Puree"] * * * Packed by Daleville Canning Co., Daleville, Ind."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement on the label "Extra Standard Tomatoes," and the design of a red ripe tomato, not corrected by the word "Puree" inconspicuously stenciled on the said label, were false and misleading and deceived and misled the purchaser.

On January 31, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17979. Adulteration and misbranding of cheese. U. S. v. Charles L. Linzmeyer (C. L. Linzmeyer Co.). Plea of guilty. Fine, \$25. (F. & D. No. 25694. I. S. Nos. 029270, 029272.)

Samples of cheese from the herein-described shipment having been found to contain excessive moisture and to be deficient in milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.

On December 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Charles L. Linzmeyer, trading as C. L. Linzmeyer Co., Woodville, Wis., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 13, 1930, from the State of Wisconsin into the State of Minnesota, of a quantity of cheese, which was adulterated and misbranded. The article was labeled in part: "Wisconsin No. 1."

It was alleged in the information that the article was adulterated in that a product containing excessive moisture and deficient in milk fat had been substituted for Wisconsin No. 1 cheese, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Wisconsin No. 1," borne on the label, was false and misleading in that the said statement represented that the article was Wisconsin No. 1 cheese, to wit, cheese containing not more than 39 per cent of moisture, and not less than 50 per cent of milk fat, on a water-free basis; 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 Wisconsin No. 1 cheese, whereas it was not, in that it contained more than 39 per cent of moisture and less than 50 per cent of milk fat on a water-free basis.

On January 31, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17980. Adulteration of canned salmon. U. S. v. 96 Cases, et al., of Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25677, 25748. I. S. Nos. 11045, 11046, 11203. S. Nos. 3964, 3995.)

Samples of canned salmon from the herein-described shipments having been found to be tainted, stale, and putrid, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On January 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and con-