

this department for canned tomatoes, in that it contained an excessive amount of peel, and that the label failed to bear a statement that the article fell below such standard, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On October 20, 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 193 cases of canned tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Frederica Packing Co., from Milford, Del., on or about September 29, 1931, and had been transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Red Seal Brand Tomatoes * * * Thomas Roberts & Co., Philadelphia, Pa., * * * Distributors." The remainder of the said article was labeled in part: "Redstone Brand Tomatoes Packed for & Guaranteed Strictly First Quality by Comly, Flanigen Company, Philadelphia."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality or condition promulgated by the Secretary of Agriculture for such canned food, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that the article fell below such standard.

On October 28, 1931, the Frederica Packing Co. (Inc.), Frederica, Del., having appeared as claimant for the property, 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 costs and the execution of a bond in the sum of \$225, conditioned in part that it be relabeled under the supervision of this department, and that it should not be sold or otherwise disposed of contrary to the laws of the United States, or any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18888. Adulteration and misbranding of Italian Dinner. U. S. v. 88 Cases of Italian Dinner. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26895. I. S. No. 22312. S. No. 5076.)

Examination of a product, known as Italian Dinner, having shown that one of the components of the article consisted of cheese containing added lactose and the constituents of skimmed milk, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On August 18, 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 88 cases of the said Italian Dinner, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Delray Corporation, San Francisco, Calif., on or about August 4, 1931, and had been transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act.

The article was labeled in part: (Case) "Del Ray Italian Dinner Spaghetti or Macaroni with Mushroom Sauce and Grated Cheese;" (package) "Del Ray Italian Dinner Macaroni [or "Spaghetti"] With Mushroom Sauce and Cheese Seasoning * * * Contents * * * Cheese Seasoning 1 oz.;" (envelope) "Del Ray Fine Foods 'I Serve' Italian Blend Grated Cheese for Spaghetti and Macaroni and for Savory Dishes Au Gratin made of part skim milk and enriched with milk sugar, milk albumen and other vitamin containing milk solids. Delray Corporation San Francisco;" (can label) "Del-Ray Fine Foods 'I Serve' Italian Mushroom Sauce."

Adulteration was alleged in substance in the libel for the reason that, with respect to the cheese component, other substances containing lactose had been substituted in part for the article.

Misbranding was alleged for the reason that the statements on the labeling, "Grated Cheese" and "Cheese Seasoning," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 5, 1931, the Delray Corporation, San Francisco, Calif., 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 costs and the execution of a bond in the sum of \$400, conditioned in part that it be relabeled under the supervision of this department, and should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18889. Adulteration of apples. U. S. v. 150 Bushels, et al., of Apples. Decree of condemnation entered. Product released under bond.
(F. & D. No. 27079. I. S. Nos. 40505, 40507. S. Nos. 5319, 5323.)

Lead and arsenic having been found on certain samples of apples taken from the shipments herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On October 14, 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 150 bushels and 28,900 pounds of apples at New Orleans, La., alleging that the article had been shipped by the Exall Orchard & Real Estate Co., Paducah, Ky., in part on or about October 3, 1931, and in part on or about October 7, 1931, and had been transported from the State of Kentucky into the State of Louisiana, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, lead and arsenic, which might have rendered it injurious to health.

On October 16, 1931, J. J. Runfalo & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it should not be disposed of contrary to the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18890. Adulteration of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$50.
(F. & D. No. 26698. I. S. No. 24746.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Nebraska.

On October 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation trading at Columbus, Nebr., alleging shipment by said company, in violation of the food and drugs act, on or about May 29, 1931, from the State of Nebraska into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the said article purported to be.

On November 30, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18891. Adulteration of tomato catsup. U. S. v. 75 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 27035. I. S. No. 21632. S. No. 5252.)

Samples of canned tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 3, 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 75 cases of tomato catsup, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the