

chaser into the belief that it consisted wholly of sweet corn; whereas it did not so consist, but did consist in part of field corn. Misbranding was alleged for the further reason that the article was a product composed in part of field corn and was offered for sale and sold under the distinctive name of another article, to wit, sweet corn.

On October 9, 1931, the defendants entered pleas of guilty to the information, and the court imposed fines totaling \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18912. Misbranding of crackers. U. S. v. Standard Biscuit Co. Plea of guilty. Fine, \$40.** (F. & D. No. 26642. I. S. Nos. 023641, 023642, 023643, 023644, 023650, 023701.)

Samples of packaged crackers from the shipments herein described having been found to contain less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On October 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Standard Biscuit Co., a corporation, Des Moines, Iowa, alleging shipment by said company, in violation of the food and drugs act as amended, from the State of Iowa into the State of Colorado, in part on or about March 29, 1930, and in part on or about April 14, 1930, of quantities of crackers which were misbranded. The articles were labeled in part, variously: (Packages) "A So-tast-ee Product \* \* \* Honey Grahams Standard Biscuit Company U. S. A. Net Weight 2 Lbs.;" "Two Pounds Salted Tops Certified Butter-Sodas So-TasT-ee Products;" "A So-tast-ee Product \* \* \* S. B. C. Sodas Standard Biscuit Company Des Moines, Iowa Net Weight 2 Lbs.;" "S. B. C. Sodas \* \* \* A So-tast-ee Product Standard Biscuit Company Des Moines, Iowa [stamped] 3 Pounds Plain."

It was alleged in the information that the articles were misbranded in that the statements, "Net Weight 2 Lbs.," "Two Pounds," or "3 Pounds," borne on the labels of the various packages, were false and misleading in that the said statements represented that the packages contained 2 pounds or 3 pounds, as the case might be, of the said articles; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 2 pounds or 3 pounds, as the case might be, of the articles; whereas the said packages did not contain the amount so represented, but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 2, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18913. Misbranding of canned tomatoes. U. S. v. 860 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. No. 27180. I. S. No. 37933. S. No. 5345.)

Examination of samples of canned tomatoes from the shipment herein described having shown that the article fell below the standard promulgated by 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 26, 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 860 cases of canned tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by Thomas Roberts & Co., from Felton, Del., on or about September 22, 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. The cans containing the article were unlabeled.

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality promulgated by the Secretary of Agriculture for such canned food, since it contained an excessive quantity of peel per pound of tomatoes, and its package or label did not

bear a plain and conspicuous statement prescribed by the said Secretary of Agriculture, indicating that such canned food fell below such standard.

On October 29, 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 \$800, 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 laws of the United States, or any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18914. Adulteration and misbranding of evaporated apples. U. S. v. 48 Boxes of Evaporated Apples. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 25602. I. S. No. 14517. S. No. 3738.)**

Samples of evaporated apples from the shipment herein described having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Georgia.

On or about January 9, 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 48 boxes of evaporated apples, remaining in the original unbroken packages at La Grange, Ga., alleging that the article had been shipped by the Smith Evaporating Co., from Farmington, Ark., on or about October 2, 1930, and had been transported from the State of Arkansas into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples Wonder Brand Manufactured and Packed by Smith Evaporating Co., Farmington, Ark."

It was alleged in the libel that the article was adulterated in that insufficiently evaporated apples had been substituted for evaporated apples, which the said article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Evaporated Apples," was false and misleading, and deceived and misled the purchaser when applied to insufficiently evaporated apples.

On March 18, 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. On March 19, 1931, the decree was amended to permit delivery of the product to a charitable institution, in lieu of its destruction.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18915. Adulteration and misbranding of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27151. I. S. No. 35329. S. No. 4977.)**

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 prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 13, 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 4 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by W. H. Freund, from Ridgeland, Wis., July 2, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that it contained less than 80 per cent of milk fat.

On October 12, 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.*