

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, 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.*

19424. Adulteration of bluefin herring. U. S. v. 3 Boxes of Bluefin Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28034. I. S. No. 52142. S. No. 6073.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 1, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes of herring at Chicago, Ill., alleging that the article had been shipped by H. Mickelson from Two Harbors, Minn., on or about March 29, 1932, and had been transported from the State of Minnesota into the State of Illinois, 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 consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, 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.*

19425. Misbranding of butter. U. S. v. David P. Clow (Moffat County Creamery Co.). Plea of guilty. Fine, \$5. (F. & D. No. 25730. I. S. Nos. 11991, 11992.)

Sample packages of butter taken from the shipments herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against David P. Clow, trading as the Moffat County Creamery Co., Craig, Colo., alleging shipment by said defendant, in violation of the food and drugs act as amended, in part on or about December 8, 1930, and in part on or about December 10, 1930, from the State of Colorado into the State of Wyoming, of a quantity of butter that was misbranded. The article was labeled in part: "Yampa Valley Butter * * * One Pound Net Moffat County Creamery * * * Craig, Colorado."

It was alleged in the information that the article was misbranded in that the statement "One Pound Net," borne on the packages, was false and misleading in that the said statement represented that the packages each contained 1 pound of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages each contained 1 pound of butter; whereas the packages contained less than 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 28, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19426. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 15 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25475. I. S. No. 9151. S. No. 3734.)

Samples of canned tomatoes from the shipment herein described having been found to contain added tomato puree, pulp, or juice, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of West Virginia.

On December 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of canned tomatoes, remaining in the original cans at Parkersburg, W. Va., alleging that the article had been shipped on or about September 12, 1930, by W. E. Robinson & Co., from Federalsburg, Md., and had been transported in interstate commerce from the State of Maryland into the State of West Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Robinson Brand Tomatoes * * * Packed for W. E. Robinson, Belair, Md. [cut of red, ripe tomatoes]."

Adulteration was alleged in the libel for the reason that tomato puree, pulp, or juice had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement made upon the containers and the cut of red, ripe tomatoes were false and misleading, since the article was composed in part of tomato puree or juice.

On June 29, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19427. Adulteration and misbranding of mustard. U. S. v. Matthew Gormanson, Michael D. Gormanson, and Oscar H. Wallin, copartners (Cook Mustard Manufacturing Co.). Plea of guilty. Fine, \$60. (F. & D. No. 25716. I. S. Nos. 014132, 014135, 029203.)

This action involved the interstate shipments of quantities of French style and prepared mustard, which were found to contain added wheat starch, mustard bran, and a coloring substance.

On May 25, 1931, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Matthew Gormanson, Michael D. Gormanson, and Oscar H. Wallin, copartners, trading as Cook Mustard Manufacturing Co., St. Paul, Minn., alleging shipment by said defendants, in violation of the food and drugs act, on or about January 27 and January 30, 1930, from the State of Minnesota into the States of South Dakota and North Dakota, of quantities of French style mustard and prepared mustard, which were adulterated and misbranded. The article was labeled in part: "French Style Mustard Flavored and Colored with Turmeric Manufactured by Cook Mustard Mfg. Co., St. Paul, Minn.;" "Prepared Mustard * * * Packed by Foley Bros. Grocery Co. Main Office St. Paul, Minn."

It was alleged in the information that the article was adulterated in that wheat starch and mustard bran had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that a coloring substance, to wit, turmeric, had been mixed with said articles in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statements, "French Style Mustard" and "Prepared Mustard," appearing on the labeling of the respective articles, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented the articles to be French style mustard and standard mustard, respectively, articles which should not contain wheat starch and mustard bran, whereas they were not French style mustard and standard mustard, since they contained wheat starch and mustard bran.

On June 22, 1931, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$60.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19428. Adulteration of frozen mixed eggs. U. S. v. 790 Cans of Frozen Mixed Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26322. I. S. No. 28747. S. No. 4653.)

Samples of frozen mixed eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On May 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-