purported to be. Adulteration was alleged for the further reason that undeclared added acid had been mixed with the articles in a manner whereby inferiority, their deficiency in strawberry and raspberry juices, was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Concentrated * * * Syrup Strawberry," and "Concentrated * * * Syrup Raspberry," borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, in that the said statements represented that the articles were strawberry and raspberry sirups, whereas they were not, since they were deficient in fruit juices and contained undeclared added acid to conceal the shortage of said fruit juices.

On August 15, 1932, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of $200 on each of the six counts of the information. Execution of sentence was suspended, however, as to counts 2, 4, and 6, the total fine imposed being $600.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20051. Adulteration of tomato catsup. U.S. v. 114 Cases of Tomato Catsup. Consent decree of condemnation and destruction. (F. & D. No. 27414. I.S. No. 44901. S. No. 5525.)

This case involved the shipment of a quantity of tomato catsup, samples of which were found to contain excessive mold.

On December 28, 1931, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 114 cases of tomato catsup, remaining in the original unbroken packages at Sioux Falls, S.Dak., alleging that the article had been shipped in interstate commerce, on or about November 3, 1931, by the Rocky Mountain Packing Corporation, from Ogden, Utah, to Sioux Falls, S.Dak., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Western Club Brand Catsup * * * Packed for Sioux Falls Coffee & Spice Co., Sioux Falls, S.Dak."

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

On August 26, 1932, the Rocky Mountain Packing Corporation, Ogden, Utah, having entered an appearance and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal, and that costs be taxed against intervener.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20052. Alleged adulteration of butter. U.S. v. Trout Brook Creamery Co. Tried to a jury. Verdict of not guilty. (F. & D. No. 28093. I.S. No. 30510.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On May 28, 1932, the United States attorney for the District of Vermont, 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 the Trout Brook Creamery Co., a corporation, Concord, Vt., charging shipment by said company, in violation of the Food and Drugs Act, on or about May 5, 1931, from the State of Vermont into the State of Massachusetts, of a quantity of butter which was alleged to have been adulterated.

Adulteration was alleged in the information for the reason that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as required by the act of March 4, 1923.

On July 14, 1932, a plea of not guilty to the information was entered on behalf of the defendant company. On September 21, 1932, the case came on for trial and on September 22, 1932, the jury returned a verdict of not guilty.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20053. Adulteration and misbranding of preserves. U.S. v. Mrs. G. L. Harting, a Corporation. Plea of nolo contendere. Fine, $50. (F. & D. No. 28075. I.S. Nos. 28736 to 28741, incl.; 28770, 28771, 28772, 28773.)

This action was based on the interstate shipment of quantities of preserves that were found to contain added undeclared pectin. Sample jars taken from each of the consignments were found to contain less than the declared weight.