

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.

On July 13, 1932, the United States attorney for the Eastern District of Pennsylvania, 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 Mrs. G. L. Harting, a corporation, Philadelphia, Pa., alleging shipment by said company, between the dates of January 8, 1931 and April 30, 1931, from the State of Pennsylvania into the State of Virginia, of quantities of preserves that were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "2 Pounds Net Avd. Hygeia brand Pure Strawberry [or "Peach" or "Pineapple"] Preserves Distributed by Old Dominion Tobacco Co., Norfolk, Va."

It was alleged in the information that the articles were adulterated in that an undeclared added substance, to wit, pectin, had been substituted in part for pure strawberry, peach, or pineapple preserves, which the articles purported to be.

Misbranding was alleged for the reason that the statements, "Pure Strawberry Preserves," "Pure Peach Preserves," "Pure Pineapple Preserves," and "2 Pounds Net Avd.," borne on the jar labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they did not consist solely of the said fruit preserves, but consisted in part of added undeclared pectin, and the jars contained less than 2 pounds net weight. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "2 Pounds Net Avd." was incorrect, the quantity of the contents of some of the jars being not more than 30.50 ounces, and the average net quantity of the contents of all jars examined being less than 2 pounds net.

On September 19, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

20054. Adulteration and misbranding of figs. U.S. v. Americo Ghianda (A. Ghianda). Plea of guilty. Fine, \$120. (F. & D. No. 28132. I.S. Nos. 264, 22527, 31962, 31964, 31965.)

This case was based on the interstate shipment of quantities of figs, samples of which were found to be insect-infested, moldy, filthy, and sour.

On September 7, 1932, the United States attorney for the Northern District of California, 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 Americo Ghianda, Thermalito, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, between the dates of October 13, 1931 and December 9, 1931, from the State of California, in part into the State of Washington and in part into the State of Utah, of quantities of figs that were adulterated and misbranded. The article was labeled in part: "Shasta Brand Figs Fancy White Adriatic [or "Fancy Black Mission"] Grown & Packed by A. Ghianda Thermalito, California."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable and animal substance.

Misbranding was alleged for the reason that the statements, "Fancy White Adriatic Figs" or "Fancy Black Mission Figs", borne on the labels, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was Fancy figs of superior quality and condition, whereas they consisted in part of a filthy and decomposed vegetable substance and were insect-infested.

On September 22, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$120.

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

20055. Adulteration of tomato puree. U.S. v. 1,880 Cases, et al., of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27072. I.S. Nos. 261, 262. S. No. 5318.)

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