

the entry of a decree condemning and forfeiting the product, judgment was entered ordering that the pears be released to the claimant upon the filing of a bond in the sum of \$1,000. On September 28, 1932, the product having been reconditioned by removing the arsenic and lead spray residue, final order was entered releasing the goods and exonerating the bond.

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

**20213. Adulteration and misbranding of butter. U.S. v. 63 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28956. Sample no. 4671-A.)**

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 August 25, 1932, the United States attorney for the Northern District of Illinois, 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 63 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 14, 1932, by Rock County Creamery Co., from Bassett, Nebr., to Chicago, Ill., 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, 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 percent of butterfat.

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

On September 20, 1932, the Peter Fox Sons Co., Chicago, Ill., 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 for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

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

**20214. Adulteration of canned salmon. U.S. v. Wrangell Packing Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 26590. I.S. no. 1076.)**

This action was based on the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On August 24, 1931, the United States attorney for the Western District of Washington, 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 Wrangell Packing Corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 18, 1930, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon that was adulterated.

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

On October 17, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

**20215. Misbranding of canned rhubarb. U.S. v. Ivans Pettit. Plea of guilty. Fine, \$50. (F. & D. no. 26648. I.S. nos. 16527, 16528.)**

This action was based on the interstate shipment of a quantity of canned rhubarb, sample cans of which were found to contain materially less than 1 gallon, the declared volume.

On June 28, 1932, the United States attorney for the District of New Jersey, 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

Ivans Pettit, Burlington, N.J., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about September 15, 1930, from the State of New Jersey into the State of Maryland, of a quantity of canned rhubarb which was misbranded. The article was labeled in part: (Can) "Burlington Brand Rhubarb in Syrup Contents 1 Gallon Packed by Ivans Pettit, Burlington, N.J."

It was alleged in the information that the article was misbranded in that the statement "Contents 1 Gallon", borne on the label, was 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 cans contained less than 1 gallon. 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 6, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

**20216. Adulteration of tomato sauce. U.S. v. Scaramelli & Co., Inc. Plea of nolo contendere. Fine, \$200. (F. & D. no. 27506. I.S. no. 17256.)**

This action was based on the interstate shipment of a quantity of tomato sauce, samples of which were found to contain excessive mold.

On January 25, 1932, the United States attorney for the District of Maryland 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 Scaramelli & Co., Inc., Centerville, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 20, 1930, from the State of Maryland into the State of Michigan, of a quantity of tomato sauce which was adulterated. The article was labeled in part: (Can) "Paesana Brand Salsa di Pomodoro \* \* \* Tomato Sauce Guaranteed to Comply with all Pure Food Laws Packed by Paesana Packing Co. New York."

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

On October 5, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

**20217. Misbranding of vinegar. U.S. v. The Whitehead-Kiesel Co. Jury trial waived. Stipulation admitting misbranding filed. Judgment of guilty. Fine, \$100. (F. & D. no. 26557. I.S. nos. 6050, 7051.)**

This action was based on the interstate shipment of 61 barrels of vinegar which were found, upon examination, to contain less than the volume declared on the label, 52 gallons.

On August 6, 1931, the United States attorney for the Western District of Kentucky, 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 Whitehead-Kiesel Co., a corporation, Louisville, Ky., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 6, 1930, from the State of Kentucky into the State of Indiana, of a quantity of vinegar that was misbranded. The article was labeled in part: "Whitehead-Kiesel Co. Down Home Brand \* \* \* Vinegar Louisville, Ky., 52 Gal. Net Contents."

It was alleged in the information that the article was misbranded in that the statement, "52 Gal. Net Contents," borne on the barrels, was 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 barrels contained less than 52 gallons of the said article. 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 14, 1932, a jury having been waived, the defendant filed a stipulation admitting the material charges of the information, and the court pronounced judgment from the bench and imposed a fine of \$100.

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