

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

On February 9, 1933, Joseph Thorup, Los Angeles, Calif., having filed a claim for the product and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be made to comply with the law. On February 11, 1933, the butter having been reworked, final decree was entered ordering that the release be made permanent and that the bond be exonerated.

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

**20806. Adulteration and misbranding of pineapple sirup and raspberry sirup. U. S. v. H. A. Johnson Co. Plea of nolo contendere. Fine, \$50. (F. & D. no. 28180. I. S. no. 34407, 34408.)**

This case was based on the interstate shipment of quantities of pineapple and raspberry sirups that contained added, undeclared citric acid, and the latter was also artificially colored.

On January 30, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the H. A. Johnson Co., a corporation, Boston, Mass., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 10, 1931, from the State of Massachusetts into the State of New Hampshire, of quantities of pineapple sirup and raspberry sirup that were adulterated and misbranded. The articles were labeled in part: "Johnson's \* \* \* Pineapple [or "Raspberry"] Syrup \* \* \* Manufactured by H. A. Johnson Co. Boston and New York."

It was alleged in the information that both articles were adulterated in that an undeclared added substance, citric acid, and in the case of the raspberry sirup, artificial color, had been substituted in part for the articles.

Misbranding was alleged for the reason that the statements, "Pineapple Syrup" and "Raspberry Syrup", 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, since the said statements represented that the articles consisted solely of pineapple sirup and raspberry sirup, whereas both products contained added, undeclared citric acid, and the raspberry sirup also contained undeclared artificial color.

On February 27, 1933, 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.*

**20807. Adulteration of celery. U. S. v. Randolph Marketing Co. Plea of guilty. Fine, \$200. (F. & D. no. 28170. I. S. no. 25209.)**

This case was based on an interstate shipment of celery that was found to bear arsenic in an amount that might have rendered it injurious to health.

On January 18, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Randolph Marketing Co., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 3, 1931, from the State of California into the State of Illinois, of a quantity of celery that was adulterated. The article was labeled in part: "Randolph Marketing Co., Los Angeles, Cal."

It was alleged in the information that the article was adulterated in that it contained an added poisonous and deleterious ingredient, namely, arsenic, in an amount which might have rendered it injurious to health.

On February 13, 1933, a plea of guilty 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.*

**20808. Misbranding of canned lima beans. U. S. v. 100 Cases, et al., of Canned Lima Beans. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 29687, 29720, 29721, 29722, 29723, 29742. Sample no. 26328-A.)**

These cases involved an interstate shipment of canned mature, soaked, dry lima beans labeled to convey the impression that they were fresh lima beans, which impression was not corrected by the inconspicuous statement that they consisted of dried beans.

On December 28, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 100 cases of canned lima beans at New Iberia, La. On or about January 17 and January 18, 1933, the United States attorney for the Western District of Louisiana filed libels against 150 cases of the same product in various lots at Church Point, Lafayette, Opelousas, and Abbeville, La., respectively. It was alleged in the libels that the article had been shipped in interstate commerce into the State of Louisiana, on or about October 13, 1932, by the Phillips Packing Co., Inc., from Baltimore, Md., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Phillips Delicious Lima Beans Specially Prepared from Selected Ripe Dried Lima Beans \* \* \* Packed By Phillips Packing Co., Inc., Cambridge, Md."

It was alleged in the libels filed in the Western District of Louisiana that the article was misbranded in that the prominent statement "Lima Beans" was false and misleading and deceived and misled the purchaser, when applied to a product consisting of canned mature, soaked, dry lima beans, instead of canned, fresh lima beans, and the false impression was not corrected by the inconspicuous statement "Ripe Dried Lima Beans." A similar charge was made in the libel filed in the Eastern District of Louisiana. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

The Phillips Packing Co., Inc., Baltimore, Md., filed claims in all cases, admitting the allegations of the libels. On February 11 and February 14, 1933, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of bonds totaling \$1,500, conditioned that it be relabeled under the supervision of this Department.

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

**20809. Adulteration and misbranding of cheese. U. S. v. 71 Boxes of Cheese. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28387. Sample nos. 2602-A, 2603-A.)**

This case involved an interstate shipment of cheese, samples of which were found to contain excessive moisture. Samples taken from a portion of the article also were found to be deficient in fat.

On June 9, 1932, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 71 boxes of cheese, remaining in the original unbroken packages at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about May 13, 1932, by M. Fitzgerald & Son, from Chicago, Ill., to Green Bay, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cheddar Cheese."

It was alleged in the libel that the article was adulterated in that a substance containing excessive moisture, and in the case of a portion, deficient in fat, had been substituted in whole or in part for cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On June 23, 1932, M. Fitzgerald & Son, Watertown, Wis., 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 claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

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

**20810. Adulteration of tullibeas. U. S. v. 288 Boxes, 186 Boxes, and 116 Boxes of Tullibeas. Tried to the court, sitting as a jury of one. Directed verdict for the Government. Product condemned and destroyed. (F. & D. nos. 26871, 26877. I. S. nos. 29036, 29037. S. nos. 5062, 5071.)**

These cases involved certain lots of tullibeas imported from Manitoba, Canada. Examination showed that a large proportion of the fish were infested with worms imbedded in the flesh, enclosed in a cyst.

On August 13 and August 14, 1931, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture,