

21884. Adulteration and misbranding of grape jelly. U. S. v. Frank C. Gibbons, Sr., and Averell S. Gibbons (Frank C. Gibbons Sons Co.). Pleas of guilty. Fines, \$50. (F. & D. no. 29461. I.S. no. 17079.)

This case was based on an interstate shipment of imitation grape jelly that consisted of fruit juice, sugar, and added water, jelled by added pectin. The flavor was augmented by added acid.

On May 12, 1933, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank C. Gibbons, Sr., and Averell S. Gibbons, copartners, trading as the Frank C. Gibbons Sons Co., Maryville, Tenn., alleging shipment by said defendants, on or about August 22, 1931, from the State of Tennessee into the State of Alabama, of a quantity of grape jelly that was adulterated and misbranded. The article was labeled in part: "Knox—Pure Grape Jelly Frank C. Gibbons Sons Co. Maryville, Tenn."

It was alleged in the information that the article was adulterated in that a mixture of pectin, sugar solution, and acid had been mixed and packed with it so as to reduce and lower and injuriously affect its quality, and had been substituted for pure grape jelly, which the article purported to be. Adulteration was alleged for the further reason that the article had been mixed with pectin, sugar solution, and acid in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Pure Grape Jelly", borne on the jar label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not pure grape jelly. Misbranding was alleged for the further reason that the article was an imitaton of grape jelly.

On January 16, 1934, the defendant entered pleas of guilty, and the court imposed fines totaling \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21885. Adulteration and misbranding of butter. U. S. v. The R. E. Cobb Co. Plea of guilty. Fine, \$10. (F. & D. no. 29465. Sample no. 48117.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 12, 1933, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. E. Cobb Co., a corporation, trading at Valley City, N.Dak., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 6, 1932, from the State of North Dakota into the State of Massachusetts, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Boxes) "Brookside Creamery Roll Butter First National Stores, Inc."

It was alleged in the information that the article was adulterated in 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 provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On January 27, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21886. Adulteration of celery. U. S. v. Manatee County Growers Assoc. Plea of nolo contendere. Judgment of guilty. Fine, \$50. (F. & D. no. 29472. I.S. no. 52062.)

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

On November 2, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Manatee County Growers Association, a corporation, Bradenton, Fla., alleging shipment by said company on or about January 28, 1932, in violation of the Food and Drugs Act, from the State of Florida into the State of Illinois, of a quantity of celery that was adulter-

ated. The article was labeled in part: "Mana T Brand Packed and Shipped by Manatee County Growers Association, Bradenton, Florida."

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

On January 3, 1934, a plea of nolo contendere having been entered on behalf of the defendant company, the court entered judgment of guilty and imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21887. Adulteration of butter. U. S. v. 1 Tub of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32364. Sample no. 66124-A.)

A sample of butter taken from the shipment involved in this case was found to contain rodent hairs and part of an insect body.

On January 20, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub of butter, at New York, N.Y., alleging that the article had been shipped on or about January 12, 1934, by Charles Huston & Bro., from Three Springs, Pa., 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 wholly or in part of a filthy, decomposed, or putrid animal substance.

On February 10, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21888. Adulteration of celery. U. S. v. Chase & Co. Plea of guilty. Fine, \$15. (F. & D. no. 30129. I.S. nos. 43173, 43178, 43234.)

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

On January 8, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chase & Co., a corporation, Sanford, Fla., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 17 and March 19, 1932, from the State of Florida into the State of Pennsylvania, of quantities of celery that was adulterated. Portions of the article were labeled: "Precooled and Each Stalk Washed Chase & Co. Sanford, Florida." The remainder was unlabeled.

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

On January 23, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$15.

M. L. WILSON, *Acting Secretary of Agriculture.*

21889. Adulteration of butter. U. S. v. Marion Delbert Tomlinson (Nimrod Creamery). Plea of guilty. Fine, \$25. (F. & D. no. 30185. Sample no. 8541-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On January 3, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Marion Delbert Tomlinson, trading as Nimrod Creamery, Sebeka, Minn., alleging that on or about August 2, 1932, the said defendant had delivered for shipment in interstate commerce from the State of Minnesota into the State of Pennsylvania, a quantity of butter that was adulterated in violation of the Food and Drugs Act.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On January 3, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*