

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 19, 1933, no claimant having appeared for the property, judgment of condemnation 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.*

22071. Adulteration of tomato paste. U. S. v. 50 Boxes of Tomato Paste. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 30403. Sample no. 21520-A.)

This case involved a shipment of tomato paste that was found to contain excessive mold.

On May 5, 1933, 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 50 boxes of tomato paste at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about March 17, 1933, by the Italian Food Products Co., Inc., from Long Beach, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Norma Brand Tomato Paste Naples Style with Sweet Basil."

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

On February 15, 1934, the sole intervener having consented to the entry of a decree and having paid the costs of the proceedings, 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.*

22072. Adulteration of cottonseed cake. U. S. v. Planters Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. no. 28187. I.S. no. 23824.)

This case was based on an interstate shipment of cottonseed cake that contained less than 43 percent of protein, the amount declared on the label.

On August 19, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Planters Cotton Oil Co., a corporation, Dallas, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 10, 1931, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake that was adulterated. The article was labeled in part: "Golden Rod 43% Protein Cottonseed Cake Prime Quality * * * Guaranteed Analysis Protein, not less than 43 percent * * * Manufactured By Planters Cotton Oil Co., of Dallas, Dallas, Texas."

It was alleged in the information that the article was adulterated in that cottonseed cake deficient in protein, since it contained less than 43 percent of protein, had been substituted for cottonseed cake containing not less than 43 percent of protein, which the article purported to be.

On February 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

22073. Adulteration of butter. U. S. v. Arthur J. Rivard (Taylors Falls Creamery). Plea of guilty. Fine, \$20. (F. & D. no. 30302. Sample nos. 10074-A, 11700-A.)

This case involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On September 14, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur J. Rivard, doing business as the Taylors Falls Creamery, with a principal place of business at Taylors Falls, Minn., also trading at St. Croix Falls, Wis., alleging shipments by said defendant in violation of the Food and Drugs Act, in part on or about September 3 and December 21, 1932, from the State of Wisconsin into the State of New York, of quantities of butter that was adulterated.

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 of milk fat as provided by the act of March 4, 1923.

On February 21, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$20.

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

22074. Adulteration and misbranding of butter. U. S. v. Abe Shaffner, Carl Pollak, Morris Greenwald, Richard Jorritsma, and Max Hirsch (The Cassopolis Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 30262. Sample no. 28757-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.

On September 27, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Abe Shaffner, Carl Pollak, Morris Greenwald, Richard Jorritsma, and Max Hirsch, trading as the Cassopolis Creamery, Cassopolis, Mich., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 30, 1933, from the State of Michigan into the State of Indiana, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Cartons) "Diamond Lake Brand Finest Creamery Butter * * * The Cassopolis Creamery, Cassopolis, Mich."

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 of the article 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 February 20, 1934, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$50.

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

22075. Adulteration and misbranding of potatoes. U. S. v. Chetek Equity Cooperative Produce Co. Plea of guilty. Fine, \$10. (F. & D. no. 30296. Sample nos. 3098-A, 3099-A.)

This case was based on an interstate shipment of potatoes which were labeled "U. S. Grade No. 1" but which contained excessive grade defects consisting principally of deep-pitted scab, growth cracks, and badly misshapen potatoes.

On October 6, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chetek Equity Cooperative Produce Co., a corporation, Chetek, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 14, 1932, from the State of Wisconsin into the State of Illinois, of a quantity of potatoes that were adulterated and misbranded.

It was alleged in the information that the article was adulterated in that potatoes of a lower grade had been substituted for U. S. Grade No. 1 potatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, "U. S. Grade No. 1 Potatoes", borne on the 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 failed to meet the requirements for U. S. Grade No. 1 potatoes.

On February 23, 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.*