

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, in that it was offered for sale as butter, whereas it was not butter, since it contained less than 80 percent of milk fat.

On July 31, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**22729. Misbranding of cottonseed cake and meal. U. S. v. Traders Oil Mill Co. Plea of guilty. Fine, \$50. (F. & D. no. 32183. Sample nos. 19839-A, 19840-A.)**

This case was based on interstate shipments of cottonseed cake and meal which contained less than 43 percent of protein, the amount declared on the labels.

On July 24, 1934, 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 Traders Oil Mill Co., a corporation, Fort Worth, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 10 and July 25, 1933, from the State of Texas into the State of Kansas, of quantities of cottonseed cake and meal which were misbranded. One shipment was labeled in part: "43% Protein Cracked Cottonseed Cake Prime Quality Manufactured by Traders Oil Mill Co., Fort Worth, Tex., Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent." The other shipment was labeled in part: "'Army Brand' Prime Quality 43% Protein Cottonseed Cake and Meal \* \* \* Protein, not less than 43% \* \* \* Manufactured for Louis Tobian & Company Dallas, Texas."

It was alleged in the information that the articles were misbranded in that the statements, "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent", and "Protein, not less than 43%", borne on the tags of the respective lots, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they contained less than 43 percent of protein, samples from the two lots having been found to contain 40.13 and 40.81 percent, respectively, of protein.

On July 28, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**22730. Adulteration of canned cherries. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, \$50. (F. & D. no. 32213. Sample no. 59202-A.)**

This case was based on an interstate shipment of canned cherries that contained maggots.

On July 12, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Paulus Bros. Packing Co., a corporation, Salem, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 8, 1933, from the State of Oregon into the State of Missouri, of a quantity of canned cherries which were adulterated. The article was labeled in part: "Jack Sprat Brand Royal Anne Cherries, Packed for Jack Sprat Foods, Inc., Marshalltown, Iowa."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy vegetable and animal substance due to infestation with a large number of maggots.

On July 18, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**22731. Adulteration of canned tomatoes. U. S. v. 653 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond for separation and destruction of unfit portion. (F. & D. no. 32267. Sample nos. 58812-A, 55536-A.)**

Samples of canned tomatoes taken from the shipment involved in this case were found to contain maggots.

On March 8, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 653 cases of canned tomatoes at Philadelphia, Pa., alleging that the article had been shipped

in interstate commerce, on or about October 12, 1933, by Albert W. Sisk & Son, from Pocomoke City, Md., 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 vegetable substance.

On June 22, 1934, Albert W. Sisk & Son, Preston, Md., having appeared as claimant for the property, judgment of condemnation 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 \$750, conditioned that the unfit portion be segregated and destroyed.

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

**22732. Adulteration of dried peaches. U. S. v. 250 Boxes of Dried Peaches. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32295. Sample nos. 45477-A, 61983-A.)**

This case involved a shipment of dried peaches that contained excessive moisture.

On March 10, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 boxes of dried peaches at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about January 30, 1934, by the Bonner Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Standard Yellow Peaches Recleaned \* \* \* Bonner Packing Co., Fresno, Calif."

It was alleged in the libel that the article was adulterated in that a product containing excessive moisture had been substituted for dried peaches, which the article purported to be.

On June 19, 1934, the Fraering Brokerage Co., Inc., New Orleans, La., 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 \$826, conditioned that the moisture content be reduced to 26 percent, or less.

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

**22733. Misbranding of canned peas. U. S. v. 30 Cases of Canned Peas. Default decree of condemnation and forfeiture. Product delivered to charitable or relief organization. (F. & D. no. 32303. Sample no. 67088-A.)**

This case involved a shipment of canned peas which fell below the standard promulgated by the Secretary of Agriculture, because of the presence of excessive mature peas, and which were not labeled to indicate that they were substandard.

On March 17, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of canned peas at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about July 25, 1933, by the Snider Packing Co., from Canandaigua, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Apple Blossom Brand Tender Sweet Peas \* \* \* Distributed by Geneseo Canning Co., Geneseo, N. Y."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 28, 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 delivered to charitable or relief organizations.

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