

canned tomato puree which was adulterated. A portion of the product was labeled: "Sylvia Brand Tomato Puree Packed for J. M. Thompson & Co., Inc. Philadelphia, Pa." A portion was labeled: "Barker Tomato Puree Barker Canning Corp. Barker, New York." The remainder of the product was unlabeled and was invoiced as tomato puree.

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed vegetable substance.

On October 21, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

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

25285. Misbranding of cottonseed meal. U. S. v. Temple Cotton Oil Co. Plea of guilty. Fine, \$25. (F. & D. no. 34087. Sample no. 8167-B.)

The product in this case contained a smaller percentage of protein than declared on the label.

On July 2, 1935, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Temple Cotton Oil Co., a corporation, Ashdown, Ark., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 14, 1934, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal that was misbranded. The article was labeled in part: (Tag) "Tranco Brand 43% Protein Cottonseed Cake or Meal * * * Protein, not less than 43% * * * Manufactured By Transit Milling Co. Sherman, Texas—Galveston, Texas—Cairo, Illinois."

The article was alleged to be misbranded in that the statements, "43% Protein * * * Guaranteed Analysis Protein, not less than 43%", borne on the tags, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On November 11, 1935, a plea of guilty was entered on behalf of said defendant company, and the court imposed a fine of \$25.

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

25286. Misbranding of barley feed. U. S. v. H. C. Knoke & Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 34091. Sample no. 8341-B.)

This product contained a smaller percentage of crude protein than declared on the label.

On July 12, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against H. C. Knoke & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 23, 1935, from the State of Illinois into the State of Maryland of a quantity of barley feed which was misbranded. The article was labeled in part: (Tag) "Barley Feed Guaranteed Analysis Crude Protein 14.00% * * * Manufactured by H. C. Knoke & Co. Chicago, Ill."

The article was alleged to be misbranded in that the statement, "Guaranteed Analysis Crude Protein 14.00%", borne on the tags, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 14 percent of protein.

On October 22, 1935, a plea of guilty 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.*

25287. Adulteration of frozen whole eggs. U. S. v. 345 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond for reconditioning. (F. & D. no. 34985. Sample no. 320-B.)

This case involved interstate shipments of frozen whole eggs which were found to be in part decomposed.

On January 22, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 345 cans of frozen whole eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 26, 1934, and January 8, 1935, by the Washington Cooperative Egg & Poultry Association, from Seattle, Wash., and that it was adulterated in violation of the Food and

Drugs Act. The article was labeled in part: "Net Weight 30 lbs. Cooperative Poultry Producers, Portland, Oregon Whole Egg."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 19, 1935, the Washington Cooperative Egg & Poultry Association having appeared as claimant for the property and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that it be reconditioned under the supervision of this Department.

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

25288. Adulteration and misbranding of tomato paste. U. S. v. 21 Cases of Tomato Paste. Default decree of destruction. (F. & D. no. 35497. Sample no. 23685-B.)

This case involved tomato paste which contained excessive mold. The article was labeled to convey the impression that it was of high quality, whereas it was not.

On May 21, 1935, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of tomato paste at Wheeling, W. Va., alleging that the article had been shipped in interstate commerce on or about February 28, 1935, by the Notaro Bros. Canning Co., from Lawtons, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Page's Gold Medal Tomato Paste * * * Notaro Bros. Canning Co., Lawtons, New York."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the following statements appearing on the can label and in a circular shipped with the article were false and misleading: (Can) "Page's canned products have been awarded the Gold Medal and Diploma from the Esposizione Del Progresso Industriale, Roma and the Croce D'Onore al Merito Industriale from the Italian Government at Rome for their superior quality"; (circular) "The Gold Medal reproduced above was awarded to Page's Products in 1923 by the Esposizione Del Progresso Industriale, Roma and the Croce D'Onore al Merito Industriale by the Italian Government at Rome for their superior quality."

On October 28, 1935, no claimant having appeared, judgment was entered ordering that the product be destroyed.

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

25289. Adulteration of imitation preserves. U. S. v. 254 Cases of Imitation Preserves. Default decree of condemnation and destruction. (F. & D. no. 35577. Sample no. 26214-B.)

This case involved imitation preserves which were found to contain excessive lead.

On May 31, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 254 cases, each containing 12 cans of imitation preserves, at Scottsbluff, Nebr., alleging that the article had been shipped in interstate commerce on or about October 10, 1934, by the Sanitary Food Manufacturing Co., from St. Paul, Minn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Moon Imitation Cherry [or other flavor] Preserves Sanitary Food Mfg. Co. St. Paul, Minn."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On October 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

25290. Adulteration of tomato puree and tomato catsup. U. S. v. 150 Cases of Tomato Puree and 39 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. nos. 35583, 35584. Sample nos. 26505-B, 26507-B.)

This case involved products which contained filth resulting from worm and insect infestation.