

Cake and Meal Manufactured for Louis Tobian & Company Dallas, Texas
Guaranteed Analysis: Crude Protein, not less than 43.00%.”

The article was alleged to be misbranded in that the statements, “43% Protein * * * Guaranteed Analysis: Crude Protein, not less than 43.00%”, borne on the tags attached to the sacks containing the articles, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since it contained less than 43 percent of protein, namely, not more than 40½ percent of protein.

On October 12, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

25322. Adulteration and misbranding of wheat gray shorts. U. S. v. Ada Milling Co. Plea of guilty. Fine, \$100. (F. & D. no. 35959. Sample nos. 10154-B, 10155-B.)

This case was based on a shipment of a product sold as wheat gray shorts, but which in fact consisted of wheat brown shorts containing crude fiber in excess of the amount declared on the label.

On November 11, 1935, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court, an information against the Ada Milling Co., a corporation, Ada, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 18 and May 1, 1935, from the State of Oklahoma into the State of Texas, of quantities of alleged wheat gray shorts which product was adulterated and misbranded. The article was labeled in part: (Tag) “Wheat Grey Shorts Manufactured by Ada Milling Company, Ada, Oklahoma. Guaranteed Analysis: * * * Crude Fiber, not more than 5.50%.”

The article was alleged to be adulterated in that wheat brown shorts had been substituted wholly for wheat gray shorts, which the article purported to be.

Misbranding was alleged for the reason that the statements, “Wheat Grey Shorts” and “Guaranteed Analysis: Crude Fiber not more than 5.50%”, borne on the tags attached to the sacks containing the article, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it consisted of wheat brown shorts and contained more than 5.50 percent of crude fiber.

On November 22, 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.*

25323. Adulteration of tomato puree. U. S. v. Joe Curtis Dunn (La Feria Canning Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. no. 35970. Sample no. 33091-B.)

This case was based on a shipment of tomato puree that contained excessive mold.

On October 3, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joe Curtis Dunn, trading as the La Feria Canning Co., La Feria, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 24, 1935, from the State of Texas into the State of Oklahoma, of a quantity of tomato puree which was adulterated. The article was labeled in part: “Valley Red Brand * * * Tomato Puree * * * Packed By La Feria Canning Company, La Feria, Texas.”

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

On December 2, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$100 and costs.

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

25324. Adulteration of butter. U. S. v. Albert City Cooperative Creamery Association. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 35974. Sample nos. 33616-B, 33630-B.)

This case involved shipments of butter that contained less than 80 percent by weight of milk fat.

On September 16, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the Albert City Cooperative Creamery Association, a corporation, Albert City, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about June 11 and June 19, 1935, from the State of Iowa into the State of Illinois, of quantities of butter that was adulterated.

The article was alleged to be 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 October 15, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

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

25325. Adulteration of tomato puree. U. S. v. Uddo-Taormina Corporation. Plea of guilty. Fine, \$200. (F. & D. no. 36003. Sample nos. 11512-B, 28382-B, 28383-B, 28521-B, 36827-B, 36847-B, 36848-B, 38787-B.)

This case was based on interstate shipments of tomato puree that contained excessive mold.

On November 13, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uddo-Taormina Corporation, trading at New Orleans, La., also at Donna, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 3, March 16, March 23, April 5, and April 10, 1935, from the State of Louisiana into the State of Alabama, on or about March 12, March 20, and April 2, 1935, from the State of Louisiana into the State of Texas, and on or about June 21, 1935, from the State of Texas into the State of Louisiana, of quantities of tomato puree which was adulterated. The article was labeled in part: "Buffalo Brand Tomato Puree * * * Packed by Uddo-Taormina Corp. New Orleans, La. Crystal Springs, Miss. Donna, Texas."

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

On December 18, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

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

25326. Adulteration of apple butter. U. S. v. D. B. Scully Syrup Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. no. 36004. Sample no. 31935-B.)

This case involved a shipment of apple butter that contained excessive lead and arsenic trioxide. It also contained hairs, fragments of insects, and other extraneous matter.

On September 20, 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 the D. B. Scully Syrup Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 4, 1935, from the State of Illinois into the State of Michigan, of a quantity of apple butter which was adulterated. The article was labeled in part: "Scully's Pure Apple Butter * * * Packed by D. B. Scully Syrup Co. Chicago, Ill."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, namely, lead and arsenic trioxide, in amounts that might have rendered it injurious to health. Adulteration was alleged for the further reason that the article consisted largely of a filthy vegetable substance in that it contained rodent hairs, insect heads, small insects, a small insect fragment, and human hair.

On November 26, 1935, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

25327. Adulteration of tomato puree. U. S. v. Rio Grande Valley Canning Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 36006. Sample nos. 32271-B, 32272-B, 32335-B, 32336-B.)

This case involved a shipment of tomato puree that contained excessive mold.

On October 15, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rio Grande Valley Canning Co., a corporation, Edinburg, Tex., alleging shipment by said company in violation