

court an information against the Perkins Oil Co., a corporation trading at West Memphis, Ark., alleging shipment by said company on or about October 16, 1936, from the State of Arkansas into the State of Kansas of a quantity of cottonseed meal that was misbranded in violation of the Food and Drugs Act as amended. It was labeled in part; (Tag) "Golden Rod Brand Cottonseed Meal * * * 100 Lbs. Net Wt. Manufactured by Perkins Oil Co. Memphis, Tenn."

The article was alleged to be misbranded in that the statement on the tag, "100 Lbs. Net Wt.," was false and misleading and in that it was labeled so as to deceive and mislead the purchaser, since the sacks contained less than 100 pounds net; it was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously stated on the outside of the package.

On October 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28019. Misbranding of tomato paste. U. S. v. 198 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40252. Sample No. 38326-C.)

This case involved an interstate shipment of canned tomato paste which was short weight.

On September 8, 1937, 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 198 cases of canned tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 31, 1937, by the West Coast Packing Co. from Long Beach, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Seemano Brand Tomato Paste Net Weight 7 lbs. 2 oz.—3.24 Kilograms Seeman Bros., Inc., Wholesale Distributors New York."

Misbranding was alleged in that the statement, "Net weight 7 lbs. 2 oz.—3.24 kilograms," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 8, 1937, Seeman Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28020. Adulteration and misbranding of jellies and jams. U. S. v. Carolina Mushroom Growers, Inc. Plea of guilty to counts 1, 2, and 3; plea of nolo contendere to remaining counts. Fine, \$300 and costs. (F. & D. No. 38591. Sample Nos. 48876-B, 48879-B, 48881-B, 48882-B, 48884-B, 48890-B, 48891-B, 63704-B, 63706-B, 63715-B.)

These products were deficient in fruit and contained excess sugar, excess moisture, and added pectin and acid. In some lots the quantity of the contents was less than that declared and in others the net-weight declaration was illegible.

On July 13, 1937, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carolina Mushroom Growers, Inc., Charlotte, N. C., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 4, April 13, November 11, 1935, February 20 and February 29, 1936, from the State of North Carolina into the State of South Carolina of quantities of jellies and jam that were adulterated and misbranded. The jellies were labeled in part: "Carolina Jelly Apple Flavor [or "Pure Quince," "Crab Apple," "Plum," or "Strawberry"]." The jam was labeled in part: "Pure Seedless Blackberry Jam." All were labeled: "Carolina Mushroom Growers Inc., Charlotte, N. C." Some lots were labeled "14 oz. Net"; one was labeled "Net Contents 1 Pound"; one was labeled "Net Contents 10 oz. Av."; and in some lots the declaration of weight was illegible.

The articles were alleged to be adulterated in that sugar, pectin, water, and acid had been mixed and packed therewith so as to reduce and lower their