

13508. Adulteration and misbranding of tomato sauce. U. S. v. 250 Cases of Tomato Sauce. Product relabeled and costs assessed. (F. & D. No. 19440. I. S. No. 17108-v. S. No. E-5064.)

On December 27, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 cases of tomato sauce, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hershel California Fruit Products Co., from San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about October 27, 1924, and transported from the State of California into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Naples Style Tomato Sauce Contadina Brand With Basil * * * Packed By Hershel Cal. Fruit Prod. Co., San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, artificially colored tomato pulp or sauce, had been substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading, since the said article was composed of tomato sauce and artificially colored tomato paste or sauce.

On February 16, 1925, Harry Coroneos, Philadelphia, Pa., having appeared as claimant for the property and having relabeled the product in a manner satisfactory to this department, the costs of the proceedings were assessed against the said claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13509. Adulteration of canned sardines. U. S. v. 17 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19977. I. S. No. 17425-v. S. No. E-5270.)

On April 13, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases of sardines, remaining in the original unbroken packages at Salem, Va., alleging that the article had been shipped by the Bayshore Sardine Co., from Columbia, Me., October (10), 1924, and transported from the State of Maine into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "B & S Brand American Sardines * * * Packed By Bayshore Sardine Co. Addison, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 9, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was subsequently ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13510. Adulteration and misbranding of cottonseed meal. U. S. v. Planters Oil Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 19293. I. S. Nos. 18226-v, 18228-v.)

On February 20, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Oil Co., a corporation, Albany, Ga., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about February 27 and March 22, 1924, respectively, from the State of Georgia into the State of Alabama, of quantities of cottonseed meal, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled in part: "Standard Cotton Seed Meal Guaranteed Analysis Ammonia, 7.00 percent * * * Protein, 36.00 percent Fibre 14.00 percent * * * Ingredients—Cotton Seed Meal and Hulls Manufactured By Planters Oil Co. Albany, Ga."

Examination by the Bureau of Chemistry of this department of a sample from the consignment of February 27, 1924, showed that it contained an appreciable amount of peanut hulls. Analyses of a sample from each of the two consignments showed that the said samples contained 6.76 per cent and 6.77

per cent, respectively, of ammonia, 34.75 per cent and 34.81 per cent, respectively, of protein, and 15.38 per cent and 16.93 per cent, respectively, of fiber.

Adulteration was alleged in the information with respect to the product consigned February 27, 1924, for the reason that a substance, to wit, peanut hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, to wit, "Standard Cotton Seed Meal Guaranteed Analysis Ammonia, 7.00 percent * * * Protein, 36.00 percent Fibre 14.00 percent," with respect to both consignments of the product, and the statement, "Ingredients—Cotton Seed Meal and Hulls," with respect to one shipment thereof, borne on the labels, were false and misleading, in that the said statements represented that the article contained 7 per cent of ammonia, 36 per cent of protein, and not more than 14 per cent of fiber, and that the said portion was composed solely of cottonseed meal and cottonseed hulls, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 7 per cent of ammonia, 36 per cent of protein, and not more than 14 per cent of fiber, and that the said portion was composed solely of cottonseed meal and cottonseed hulls, whereas the article contained less than 7 per cent of ammonia, less than 36 per cent of protein, and more than 14 per cent of fiber, and the said portion was composed in part of peanut hulls.

On June 24, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13511. Adulteration of canned salmon. U. S. v 35 Cases, et al., of Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18872, 18973, 18974, 18975. I. S. No. 16723-v. S. No. E-4952.)

On August 5, 1924, and January 15, 1925, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 85 cases and 50 cans of salmon, remaining in the original unbroken packages at Macon, Ga., alleging that the article had been shipped by the F. C. Barnes Co., from Portland, Oreg., on or about June 12, 1924, and transported from the State of Oregon into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Superior Stock Brand Packed By Jeldness Bros. & Co. Astoria Ore., * * * Columbia River Royal Chinook Salmon."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On June 23, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13512. Adulteration of frozen mixed eggs. U. S. v. 44 Cans of Frozen Mixed Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18446. I. S. No. 13138-v. S. No. E-4766.)

On March 5, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of forty-four 30-pound cans of frozen mixed eggs, at Jersey City, N. J., alleging that the article had been shipped by the Manhattan Egg Co., New York, N. Y., on or about May 18, 1923, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole of a filthy, decomposed, and putrid animal substance.

On July 2, 1925, 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 destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture*