

**14585. Adulteration and misbranding of tomato puree and strained tomatoes. U. S. v. Keough Canning Co. Plea of guilty. Fine, \$200.**  
(F. & D. No. 19761. I. S. Nos. 5442-x, 7151-x to 7157-x, incl.)

At the April, 1926, term of the United States District Court within and for the District of New Jersey, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Keough Canning Co., a corporation, Glassboro, N. J., alleging shipment by said company in violation of the food and drugs act, in various consignments between the approximate dates of August 27 and October 10, 1925, from the State of New Jersey, in part into the State of New York, and in part into the State of Massachusetts, of quantities of tomato puree and strained tomatoes which were adulterated, and a portion of which were misbranded. A portion of the strained tomatoes was labeled in part: (Can) "Blue Coat Brand" (or "Holly Bush Brand") "Packed By Keough Canning Co., Glassboro, N. J. Made From Whole Sound Ripe Tomatoes." The remainder of the products were labeled in part: (Can) "Sweet Life Brand Fancy Tomato Puree," "See Bee Brand Strained Tomatoes," or "Lily White Brand \* \* \* Concentrated Strained Tomatoes," as the case might be.

Adulteration of the articles was alleged in the information for the reason that they consisted in part of filthy and decomposed and putrid vegetable substances.

Misbranding was alleged with respect to a portion of the product for the reason that the statement, to wit, "Made From Whole Sound Ripe Tomatoes," borne on the labels of the said portion, was false and misleading, in that the said statement represented that the article was made exclusively from whole, sound, ripe tomatoes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was made exclusively from whole, sound, ripe tomatoes, whereas it was not but was made in part from partially decomposed tomatoes.

On July 7, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

**14586. Adulteration of butter. U. S. v. 15 Cubes of Butter. Default decree of forfeiture entered. Product delivered to charitable institution.**  
(F. & D. No. 20924. I. S. No. 527-x. S. No. W-1910.)

On February 23, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Gooding Cooperative Creamery, Gooding, Idaho, on or about February 11, 1926, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From GCC Co. Gooding."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and in that a valuable constituent, namely, milk fat, had been partially abstracted therefrom.

On July 29, 1926, 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 a charitable institution.

W. M. JARDINE, *Secretary of Agriculture.*

**14587. Adulteration of walnut meats. U. S. v. 20 Cases of Walnut Meats. Decree of condemnation, forfeiture, and destruction entered.**  
(F. & D. No. 20827. I. S. No. 10420-x. S. No. W-1863.)

On February 6, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sunset Nut Shelling Co., from San Francisco, Calif., January 23, 1926, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Walnut Meats Packed By Sunset Nut Shelling Co. San Francisco, Cal."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On May 18, 1926, the Sunset Nut Shelling Co., San Francisco, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that the claimant pay the costs.

W. M. JARDINE, *Secretary of Agriculture.*

**14588. Adulteration and misbranding of butter. U. S. v. 16 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21229. I. S. No. 6380-x. S. No. E-5814.)**

On July 16, 1926, 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 seizure and condemnation of 16 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Muskingum Valley Creamery Co., Malta, O., alleging that the article had been shipped from Malta, Ohio, on or about July 13, 1926, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From The Muskingum Valley Creamery Co., McConnelsville, Ohio."

Adulteration of the article was alleged in the libel for the reason that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and in that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 23, 1926, the Crawford & Lehman Co., Inc., Philadelphia, Pa., 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 said claimant upon payment of the costs of the proceedings, said costs to include the supervision of the reconditioning of the product by a representative of this department, and the execution of a good and sufficient bond, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

**14589. Misbranding of evaporated apples. U. S. v. 28 Cases of Victor Brand Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20133. I. S. No. 14697-v. S. No. C-5016.)**

On June 24, 1925, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 cases of evaporated apples, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Aspegren Fruit Co., Sodus, N. Y., on or about November 25, 1924, and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Net Weight 8 Ounces Victor Brand Evaporated Apples Packed By The Aspegren Fruit Co. Sodus, N. Y."

It was alleged in the libel that the article was short weight and was misbranded, in that the statement "Net Weight 8 Ounces" was false and misleading and deceived and misled the purchaser, 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.

On August 31, 1925, C. T. Cheek & Sons, Nashville, Tenn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that a sufficient quantity of apples be added to each package to bring the weight up to the declared amount.

W. M. JARDINE, *Secretary of Agriculture.*