

**15459. Adulteration of butter. U. S. v. 55 Tubs of Butter. Decree of condemnation entered. Product released under bond.** (F. & D. No. 22045. I. S. Nos. 14339-x, 14340-x, 14341-x. S. No. 69.)

On August 11, 1927, the United States attorney for the Western District of Kentucky, 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 55 tubs of butter, remaining in the original unbroken packages at Louisville, Ky., alleging that the article had been shipped by the Orleans Creamery Co., Orleans, Ind., in various consignments, on May 28, June 8, and June 18, 1927, respectively, and transported from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

On September 29, 1927, the Orleans Creamery Co., Orleans, Ind., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant, upon the execution of a bond in the sum of \$2,000, conditioned in part that the butter be brought into compliance with the law under the supervision of this department.

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

**15460. Adulteration of tomato catsup. U. S. v. Thomas Page, Plea of guilty. Fine, \$100.** (F. & D. Nos. 19353, 19647. I. S. Nos. 2499-v, 16129-v, 17092-v.)

On May 26 and June 15, 1925, respectively, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against Thomas Page of Albion, N. Y., alleging shipment by said defendant, in various consignments, on or about March 11 and May 27, 1924, from the State of New York into the State of Pennsylvania, and on or about August 2, 1924, from the State of New York into the State of West Virginia, of quantities of tomato catsup, which was adulterated. The article was labeled, in part: "Page Brand (or "Royal Kitchen Brand"). \* \* \* Tomato Catsup \* \* \* Packed by Thos. Page (or "Thomas Page") Albion, N. Y."

It was alleged in the informations that the article was adulterated, in that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On November 28, 1927, the two informations having been consolidated, the defendant entered a plea of guilty, and the court imposed a fine of \$100.

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

**15461. Adulteration and misbranding of asparagus tips. U. S. v. 550 Cases of Asparagus. Product ordered released under bond to be re-labeled.** (F. & D. No. 22063. I. S. No. 19580-x. S. No. 102.)

On September 19, 1927, the United States attorney for the District of Minnesota, 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 550 cases of asparagus, remaining in the original unbroken packages at Minnesota Transfer, Minn., alleging that the article had been shipped by the Golden State Asparagus Co., from San Francisco, Calif., July 21, 1927, and transported from the State of California into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Emerald Tip (Cut of asparagus tips) \* \* \* Brand Asparagus Too-Lee Ranch, Grand Island, Sacramento River," (cases) "Emerald Brand California Asparagus, Packed by Golden State Asparagus Co., San Francisco, California."

It was alleged in the libel that the article was adulterated, in that asparagus soup cuts had been substituted wholly or in part for the article, and in that asparagus center cuts and butts had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements "Emerald Tip Brand Asparagus, Too-Lee Ranch, Grand Island, Sacramento River,"

together with pictorial design of asparagus tips, borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of or offered for sale under the name of another article.

On November 3, 1927, the Golden State Asparagus Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered ordering 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 \$3,700, conditioned that it be relabeled in a manner approved by this department, and should not be sold or disposed of in violation of the law. On November 19, 1927, the claimant filed an admission of the allegations contained in the libel.

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

**15462. Adulteration of oysters. U. S. v. Bowers Oyster Co. Plea of guilty. Fine, \$20. (F. & D. No. 21578. I. S. No. 13772-x.)**

On April 22, 1927, the United States attorney for the District of Delaware, 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 Bowers Oyster Co., a corporation, Bowers, Del., alleging shipment by said company, in violation of the food and drugs act, on or about October 19, 1926, from the State of Delaware into the State of New York, of a quantity of oysters, which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the said article purported to be.

On November 7, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

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

**15463. Adulteration of butter. U. S. v. 3 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21772. I. S. No. 7824-x. S. No. E-6027.)**

On March 11, 1927, the United States attorney for the District of Maryland, 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 3 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned March 3, 1927, alleging that the article had been shipped by the Fred C. Mansfield Co., Johnson Creek, Wis., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance low in butterfat had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

On October 7, 1927, 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.

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

**15464. Misbranding of butter. U. S. v. 30 Cases of Butter. Product ordered released under bond. (F. & D. No. 21860. I. S. Nos. 15500-x, 15501-x. S. No. C-5451.)**

On April 1, 1927, the United States attorney for the Southern District of Alabama, 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 30 cases of creamery butter, at Mobile, Ala., alleging that the article had been shipped by the Hanford Produce Co., from Sioux City, Iowa, on or about March 19, 1927, and transported from the State of Iowa into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail cartons) "Hanfords Fancy Creamery Butter \* \* \* Hanford Produce Co., Sioux City, Iowa \* \* \* 1 pound net (or "1/4 Lb. Net Weight")."