

16884. Adulteration and misbranding of canned tomatoes. U. S. v. 61 Cases, et al., of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23903. I. S. No. 05895. S. No. 2109.)

On July 30 and August 7, 1929, respectively, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 155 cases of canned tomatoes, remaining in the original unbroken packages at Greenfield, Mass., alleging that the article had been shipped by the Frankford Canning Co., from Frankford, Del., on or about October 11, 1928, and transported from the State of Delaware into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Delaware Brand Tomatoes [cut of red, ripe tomato] * * * Packed by Frankford Canning Co., Frankford, Del."

It was alleged in the libels that the article was adulterated in that a substance made from skins, cores, and trimmings had been mixed and packed with the said article, so as to reduce and lower its quality and strength and had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Tomatoes," and the design of a red, ripe tomato were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 5, 1929, the John S. McDaniel Co., Easton, Md., 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 released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the direction and supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16885. Adulteration of butter. U. S. v. Arthur Carl Joseph Iten and John Emil Falk (Deer River Creamery Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 21568. I. S. No. 7199-x.)

On May 3, 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 an information against Arthur Carl Joseph Iten and John Emil Falk, copartners, trading as the Deer River Creamery Co., Deer River, Minn., alleging shipment by said defendants, in violation of the food and drugs act, on or about August 16, 1926, from the State of Minnesota into the State of New York, of a quantity of butter which was adulterated.

It was alleged in the information 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 November 13, 1929, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16886. Adulteration of frozen eggs. U. S. v. 541 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24177. I. S. No. 024276. S. No. 2407.)

On October 25, 1929, 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 of the United States for said district a libel praying seizure and condemnation of 541 cans of frozen whole eggs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Armour & Co. from Duluth, Minn., on or about March 19, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Egg Purity Frozen Eggs * * * Anglo-American Provision Co., Distributors, Chicago, U. S. A."