

of 22 cases of tomato catsup at De Ridder, La., alleging that the article had been shipped by the Ozark Mountain Canning Co., from Bentonville, Ark., on or about November 18, 1930, and had been transported from the State of Arkansas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Mid-Mountain Brand Tomato Catsup * * * Coloring added Mid-mountain Fruit Co., Bentonville, Ark."

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

It was further alleged in the libel that the article was misbranded in that the statement on the label, "Tomato Catsup," was false and misleading, and deceived and misled the purchaser; and for the reason that it was applied to artificially colored tomato catsup, on the label of which the declaration of added color was inconspicuous.

On May 18, 1931, no claimant having appeared for the property, and a jury having found that the allegations of the libel were true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18576. Adulteration and misbranding of beef scrap and bone, feeding bone meal, and blood feeding tankage. U. S. v. Independent Manufacturing Co. Plea of nolo contendere. Fine, \$350. (F. & D. No. 25706. I. S. Nos. 011076, 012425, 027026, 028809.)

The products herein described consisted of feeds variously designated as beef scrap and bone, feeding bone meal, and blood feeding tankage. All were deficient in protein in that they contained less protein than declared on the labels, and the so-called blood feeding tankage contained undeclared vegetable matter.

On March 27, 1931, 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 the district aforesaid an information against the Independent Manufacturing Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about February 3, 1930, from the State of Pennsylvania into the State of New Jersey, of a quantity of blood feeding tankage; on or about March 3, 1930, from the State of Pennsylvania into the State of Maryland, of quantities of beef scrap and bone; and on or about April 18, 1930, from the State of Pennsylvania into the State of New York, of a quantity of feeding bone meal, which products were adulterated and misbranded. The articles were labeled in part, variously: (Tags) "From Independent Manufacturing Co. * * * Philadelphia, Pa. * * * Independent's 50% Beef Scrap & Bone. Protein 50% [or "Protein 55%"]; "Independent's Sterilized Steamed Feeding Bone Meal. Analysis Protein 12.00%, made by Independent Mfg. Co., Philadelphia, Pa.;" "From Independent Manufacturing Co. * * * Independent's 60% Blood Feeding Tankage Protein 60% Min."

It was alleged in the information that the articles were adulterated for the following reasons: Products deficient in protein had been substituted for 50 per cent protein beef scrap and bone, and 55 per cent protein beef scrap and bone; a product containing less than 12 per cent of protein had been substituted for 12 per cent protein feeding bone meal; and a product deficient in protein and which contained undeclared vegetable matter had been substituted for 60 per cent blood feeding tankage.

Misbranding was alleged for the reason that the statements, "Protein 50%," and "Protein 55%," with respect to the so-called beef scrap and bone, the statement, "Analysis Protein 12.00%," with respect to the so-called feeding bone meal, and the statements, "60% Blood Feeding Tankage" and "Protein 60% Min.," with respect to the so-called blood feeding tankage, were false and misleading in that the said statements represented that the articles each contained the amount of protein declared on the label, and that the blood feeding tankage consisted wholly of 60 per cent blood feeding tankage; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained the said declared amounts of protein and that the blood feeding tankage consisted wholly of 60 per cent blood feeding tankage; whereas they contained less protein than declared on the labels, and the so-called blood feeding tankage consisted in part of an undeclared vegetable substance.

On June 24, 1931, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$350.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18577. Misbranding of butter. U. S. v. P. E. Sharpless Co. Plea of nolo contendere. Fine, \$200. (F. & D. No. 25697. I. S. Nos. 028155, 030281, 030282, 030283, 030285, 030286, 030287, 030288, 030289, 030290.)

Samples of butter from the shipments herein described having been found to be short of the declared weights, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the P. E. Sharpless Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments on or about February 3, February 6, June 9, and June 12, 1930, from the State of Pennsylvania into the State of New Jersey, of quantities of butter which was misbranded. The article was labeled in part, variously: (Packages) "Sharpless Dairy Products * * * One Pound Net;" "P. E. Sharpless Co. Philadelphia, Pa. * * * Butter 1 Pound Net;" "Sharpless Butter Country Roll 8 Oz. Net. P. E. Sharpless Company, Philadelphia;" "Meadow Farms Butter * * * One Pound Net;" or "P. E. Sharpless Co. Pure Butter 8 Ounces Net."

It was alleged in the information that the article was misbranded in that the statements, "One Pound Net," "8 Oz. Net," or "8 Ounces Net," borne on the labels of the packages, were false and misleading in that the said statements represented that the packages each contained 1 pound net or 8 ounces net, as the case might be, of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound net, or 8 ounces net, as the case might be, of butter; whereas the packages contained less than so represented. Misbranding was alleged for the further reason that the article 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 packages contained less than declared on the labels.

On June 22, 1931, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18578. Adulteration of pitted cherries. U. S. v. 43 Cases, More or Less, of Pitted Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26039. I. S. No. 16141. S. No. 4335.)

Samples of pitted cherries from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 cases of pitted cherries, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Paulus Bros. Packing Co., Salem, Oreg., on or about January 5, 1931, and had been transported from the State of Oregon into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "White Tag Pitted Royal Anne Cherries, * * * Paulus Bros. Packing Co., Salem, Oregon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On July 21, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18579. Adulteration of canned prunes. U. S. v. 83 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25779. I. S. No. 11489. S. No. 4006.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.