

condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimants upon payment of costs and the execution of bonds totaling \$600, conditioned in part that they be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18624. Adulteration and misbranding of Fruto punch concentrate. U. S. v. Startup Candy Co. Plea of guilty. Fine, \$180. (F. & D. No. 25696. I. S. Nos. 018547, 018548, 018549.)

Examination of the beverage materials herein described showed that the articles were highly concentrated citric acid solutions artificially colored and sweetened, containing a negligible amount of fruit juice.

On April 15, 1931, the United States attorney for the District of Utah, 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 Startup Candy Co., a corporation, Provo, Utah, alleging shipment by said company, in violation of the food and drugs act, on or about March 28, 1930, from the State of Utah into the State of Idaho, of a quantity of Fruto punch concentrate which was adulterated and misbranded. The article was labeled in part: (Bottles) "Magnolia Brand * * * Fruto Double Strength Punch Concentrate Cherry [or "Orange" or "Grape"] Enriched with True Fruit Products. * * * Startup Candy Co., Provo, Utah."

It was alleged in the information that the article was adulterated in that a substance, a sweetened and highly concentrated citric acid solution, artificially colored and artificially flavored, and containing but a slight and negligible concentrate or other true fruit products, had been substituted in part for a quantity, if any, of cherry (or orange or grape, as the case might be) fruit concentrate made from cherry, orange, or grape fruit, which the article purported to be. Adulteration was alleged for the further reason that artificial color and flavor had been mixed with the article in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements "Fruto * * * Cherry [or "Orange" or "Grape"] Concentrate Double Strength, * * * Enriched with True Fruit products," borne on the labels, were false and misleading in that the said statements represented that the article was a concentrate made from cherry, orange, or grape fruit and was enriched with true fruit products; 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 a concentrate made from the said fruits and was enriched with true fruit products, and was double strength fruit concentrate; whereas the article was not a concentrate made from cherry, orange, or grape fruit, it was not enriched with true fruit products and was not double strength fruit concentrate, but was a sweetened and highly concentrated citric acid solution, artificially colored and artificially flavored, and containing a negligible quantity, if any, of cherry, orange, or grape fruit products, or other true fruit products. Misbranding was alleged for the further reason that the article was an imitation of another article, and was offered for sale under the distinctive name of another article, to wit, cherry, orange, or grape fruit concentrate.

On May 25, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$180.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18625. Adulteration of butter. U. S. v. 9 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. No. 28745. I. S. No. 30148. S. No. 4553.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 27, 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 nine tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Niobrara Cooperative Creamery, Lusk, Wyo., on or about April 8, 1931, and had been transported from the State of Wyoming into the State of New York, 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 containing less than 80 per cent by weight of milk fat had been substituted