

It was alleged in the libel that the article was adulterated in that an added undeclared substance, to wit, sugar, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Pure * * * Grapefruit Juice," was false and misleading and deceived and misled the purchaser when applied to an article containing added undeclared sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 10, 1931, the Florida Citrus Exchange, Tampa, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further 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 \$100, or the deposit of cash collateral in like amount, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession, and that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18864. Adulteration and misbranding of butter. U. S. v. Paul A. Schulze Co. Plea of guilty. Fine, \$125 and costs. (F. & D. No. 25703. I. S. Nos. 027654, 027663, 027665, 027697, 028001.)

Examination of samples of butter from the shipments herein described showed that portions of the article were short of the declared weight, and that portions contained less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On May 18, 1931, the United States attorney for the Eastern District of Missouri, 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 Paul A. Schulze Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, from the State of Missouri into the State of New York, on or about March 5, March 12, and March 17, 1930, of quantities of butter which was adulterated, and on or about March 17 and March 24, 1930, of quantities of butter which was misbranded. A portion of the article was labeled in part: (Carton) "Clover Springs Creamery Butter One Pound Net * * * Paul A. Schulze Company, St. Louis, Missouri." The remainder of the said article was labeled in part: (Carton) "Blue Ribbon Brand Creamery Butter * * * One Pound Net * * * David W. Lewis & Company, New York."

It was alleged in the information that portions of both brands of butter were 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 article purported to be.

Misbranding was alleged with respect to the remaining portions involving both brands of butter for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the packages contained 1 pound net 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 each of the said packages contained 1 pound net of butter; whereas the packages in the said portion did not contain 1 pound net of butter, but did contain a less amount.

On October 7, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$125 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18865. Adulteration and misbranding of canned frozen egg yolks. U. S. v. 39 Cans of Frozen Eggs. Product ordered released under bond to be relabeled. (F. & D. No. 26206. I. S. No. 28338. S. No. 4529.)

Samples of canned frozen egg yolks from the shipment herein described having been found to contain undeclared added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On April 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-

demnation of 39 cans of frozen egg yolks, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Omaha Cold Storage Co., from Omaha, Nebr., on or about March 2, 1931, and had been transported from the State of Nebraska into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Jarel Egg Yolks."

It was alleged in the libel that the article was adulterated in that a substance, sugar, had been substituted partly for the said article.

Misbranding was alleged for the reason that the statement on the label, "Egg Yolks," was 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, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

The Omaha Cold Storage Co., Omaha, Nebr., filed a claim and answer admitting that the product was improperly labeled and that it was subject to forfeiture and condemnation, and praying permission to relabel the goods. On April 28, 1931, the court ordered that the product be released to the claimant for the purpose of relabeling it in accordance with the requirements of this department, upon the execution of a bond in the sum of \$500. On May 25, 1931, claimant having paid costs and having relabeled the product so that it was salable under the Federal food and drugs act, the court ordered that the goods be released and the bond canceled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18866. Adulteration of canned tomato puree. U. S. v. 2,000 Cases, et al., of Tomato Puree. Consent decrees entered. Portion of product released to claimant. Remainder ordered condemned, forfeited, and destroyed. (F. & D. Nos. 26735, 26787. I. S. Nos. 11719, 11721, S. Nos. 4883, 4909.)

Samples of canned tomato puree from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On July 6 and July 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2,300 cases of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Rocky Mountain Packing Co., from Salt Lake City, Utah, in part on or about January 3, 1931, and in part on or about February 10 and May 26, 1931, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Golden Rey Brand Tomato Puree Packed for Pacific Wholesale Grocery Co., Los Angeles."

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

On September 17, 1931, examination having shown that the product consisted of two separable lots, one of which was unadulterated and one of which was adulterated, and the United States attorney and the claimant having entered into a stipulation to the effect that the unadulterated portion be released and the remainder condemned, the court ordered that the good portion be released to the said claimant, the Pacific Wholesale Grocery Co., Los Angeles, Calif. On October 3, 1931, judgments of condemnation and forfeiture were entered with respect to the adulterated portion, consisting of 1,196 cases, and it was ordered by the court that the said portion be destroyed by the United States marshal, and that claimant be taxed all costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18867. Adulteration and misbranding of canned minced clams. U. S. v. 8 Cases of Minced Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26493. I. S. No. 22230. S. No. 4790.)

Samples of canned minced clams from the shipment herein described having been found to contain excessive brine, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On June 12, 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 eight cases of canned minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped