

District Court of the United States for the district aforesaid an information against the Sebastian-Stuart Fish Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the food and drugs act, on or about August 17, 1931, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon that was adulterated.

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

On June 6, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19928. Adulteration of butter. U. S. v. 46 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 11404-A. F. & D. No. 28425.)**

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress.

On June 10, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 46 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on June 3, 1932, by the Farmers Cooperative Creamery Co., of Marion, Mich., through the Remus Cooperative Creamery Co., Remus, Mich., to New York, N. Y., 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 for butter, a product which should contain not less than 80 per cent by weight of milk fat, as provided by the act of March 4, 1923.

The Farmers Cooperative Creamery Co., Marion, Mich., interposed a claim admitting the allegations of the libel and consenting to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 13, 1932, 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 \$1,000, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all the other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19929. Adulteration and misbranding of tomato catsup. U. S. v. 132 Cases, et al., of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28005. I. S. Nos. 49385, 49386. S. No. 6058.)**

This action was based on the interstate shipment of a quantity of tomato catsup, samples of which were found to contain excessive mold. Samples of the article also were found to be short weight.

On April 21, 1932, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 132 cases and 147 cases of tomato catsup at Albany, N. Y. None of the product in the 132-case lot was seized. The libel alleged that 147 cases of tomato catsup had been shipped in interstate commerce on or about February 19, 1932, by Greenabaum Bros. (Inc.), from Seaford, Del., to Albany, N. Y., and that it was adulterated and misbranded in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements in the labeling, (case) "Two dozen bottles net contents fourteen oz. avoirdupois each Ward Brand tomato catsup," and (bottles) "Ward quality brand Contents 14 Oz. Fancy Tomato Catsup guaranteed pure and to comply with all U. S. Food laws made from carefully selected whole tomatoes and spices," were false and misleading and deceived and misled the purchaser. 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 statement made was incorrect.