

On July 13, 1932, 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 Mrs. G. L. Harting, a corporation, Philadelphia, Pa., alleging shipment by said company, between the dates of January 8, 1931 and April 30, 1931, from the State of Pennsylvania into the State of Virginia, of quantities of preserves that were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "2 Pounds Net Avd. Hygeia brand Pure Strawberry [or "Peach" or "Pineapple"] Preserves Distributed by Old Dominion Tobacco Co., Norfolk, Va."

It was alleged in the information that the articles were adulterated in that an undeclared added substance, to wit, pectin, had been substituted in part for pure strawberry, peach, or pineapple preserves, which the articles purported to be.

Misbranding was alleged for the reason that the statements, "Pure Strawberry Preserves," "Pure Peach Preserves," "Pure Pineapple Preserves," and "2 Pounds Net Avd.," borne on the jar labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they did not consist solely of the said fruit preserves, but consisted in part of added undeclared pectin, and the jars contained less than 2 pounds net weight. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "2 Pounds Net Avd." was incorrect, the quantity of the contents of some of the jars being not more than 30.50 ounces, and the average net quantity of the contents of all jars examined being less than 2 pounds net.

On September 19, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20054. Adulteration and misbranding of figs. U.S. v. Americo Ghianda (A. Ghianda). Plea of guilty. Fine, \$120. (F. & D. No. 28132. I.S. Nos. 264, 22527, 31962, 31964, 31965.)

This case was based on the interstate shipment of quantities of figs, samples of which were found to be insect-infested, moldy, filthy, and sour.

On September 7, 1932, the United States attorney for the Northern District of California, 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 Americo Ghianda, Thermalito, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, between the dates of October 13 1931 and December 9, 1931, from the State of California, in part into the State of Washington and in part into the State of Utah, of quantities of figs that were adulterated and misbranded. The article was labeled in part: "Shasta Brand Figs Fancy White Adriatic [or "Fancy Black Mission"] Grown & Packed by A. Ghianda Thermalito, California."

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

Misbranding was alleged for the reason that the statements, "Fancy White Adriatic Figs" or "Fancy Black Mission Figs", borne on the labels, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was Fancy figs of superior quality and condition, whereas they consisted in part of a filthy and decomposed vegetable substance and were insect-infested.

On September 22, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$120.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20055. Adulteration of tomato puree. U.S. v. 1,880 Cases, et al., of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27072. I.S. Nos. 261, 262. S. No. 5318.)

This case involved the shipment of a quantity of tomato puree, samples of which were found to contain excessive mold.

On October 13, 1931, the United States attorney for the Northern District of California, 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 3,200 cases of tomato puree, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about February 14 and March 1, 1931, by the Varney Canning Co. Inc., from Ogden, Utah, to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The cases containing the article were labeled in part, "Tomato Puree." The cans containing a portion were labeled in part: "Leota Brand Puree * * * Varney Canning, Inc., Roy, Utah."

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

On August 4, 1932, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20056. Adulteration and misbranding of butter. U.S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28480. Sample No. 4948-A.)

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

On June 22, 1932, the United States attorney for the Northern District of Illinois, 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 15 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 14, 1932, by La Farge Creamery & Cheese Co., from La Farge, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On July 11, 1932, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20057. Misbranding of butter. U.S. v. 9 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28479. Sample Nos. 4946-A, 6080-A.)

This action involved the shipment of a quantity of butter, samples of which were found to be short weight.

On June 17, 1932, the United States attorney for the Northern District of Illinois, 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 nine cartons of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 6, 1932, by Harms Creamery Co., from Hillsboro, Kans., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Package) "30 Butter Keep Cool."

It was alleged in the libel that the article was misbranded in that the statement "30" on the shipping carton, representing that it contained thirty 1-pound prints, was false and misleading, since the package contained less than so represented.