

It was alleged in the libels that the article was adulterated in that an insufficiently concentrated strained tomato product had been substituted for tomato paste, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Tomato Paste," 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. Misbranding was alleged with respect to a portion of the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, since the packages were marked with a weight different from and less than the actual and true weight of the contents.

On September 8, 1932, A. Glorioso, New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libels, judgments were entered finding the product misbranded and ordering its condemnation. It was further ordered by the court that the product might be released to the said claimant upon payment of costs and the execution of bonds totaling \$750, conditioned that it be relabeled or reconditioned under the supervision of this Department in compliance with the requirements of the Federal Food and Drugs Act.

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

20106. Misbranding of wheat shorts and screenings. U.S. v. The Blair Milling Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 28061. I.S. Nos. 25006, 25007.)

This action was based on the shipment of quantities of feed, samples of which were found to contain less protein and more fiber than declared on the label.

On May 9, 1932, the United States attorney for the District of Kansas, 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 Blair Milling Co., a corporation, Atchison, Kans., alleging shipment by said company, on or about June 10 and June 15, 1931, from the State of Kansas into the State of Missouri of two consignments of wheat shorts and screenings that were misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Soft Wheat Gray Shorts and Screenings Manufactured by The Blair Milling Co., Atchison Kansas Guaranteed Analysis Protein, not less than 16.00 per cent * * * Fibre, not more than 5.50 per cent."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis Protein, not less than 16.00 per cent * * * Fibre, not more than 5.50 per cent," borne on the tag attached to the bag containing the article, 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 it contained less than 16 percent of protein and more than 5.5 percent of fiber.

On August 10, 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.

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

20107. Adulteration of mustard seed. U.S. v. 82 Bags of Mustard Seed. Consent decree of condemnation. Product released under bond. (F. & D. No. 28563. Sample No. 8890-A.)

This case involved a quantity of imported mustard seed that was found to be contaminated with rodent excreta.

On August 1, 1932, the United States attorney for the Western 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 82 bags of mustard seed, remaining in the original unbroken packages at Rochester, N.Y., alleging that the article had been shipped on or about April 7, 1931, by the Bremen Colonial & China Trading Co., from Tientsin, China, to New York, N.Y., thence into the Western District of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 26, 1932, the R. T. French Co., Philadelphia, Pa., having appeared as claimant for the property and having consented to the entry of a