

labeled to indicate that it was substandard. The article was not "Select Quality", as labeled.

On August 12, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 150 cases of canned peas, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped on or about June 23, 1932, by the G. L. Webster Canning Co., from Cheriton, Va., to Washington, D. C., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Webster's Select Quality * * * Early June Peas Packed by G. L. Webster Canning Co., Incorporated, Cheriton, Virginia."

It was alleged in the libel that the article was misbranded in that the statement "Select Quality" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it contained an excessive amount of hard peas, and the package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On January 5, 1933, G. L. Webster Canning Co., Inc., Cheriton, Va., 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 upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. On February 1, 1933, the product was inspected by a representative of this Department and found to have been properly relabeled.

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

20660. Adulteration of canned tomato pulp. U. S. v. G. S. Suppiger Co. Plea of guilty. Fine, \$50. (F. & D. no. 26570. I. S. no. 27413.)

This action was based on the interstate shipment of a quantity of canned tomato pulp, samples of which were found to contain excessive mold.

On September 11, 1931, the United States attorney for the Eastern 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 an information against G. S. Suppiger Co., a corporation, trading at Belleville, Ill., alleging shipment by said company on or about August 21, 1930, in violation of the Food and Drugs Act, from the State of Illinois into the State of Missouri, of a quantity of tomato pulp that was adulterated.

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

On January 5, 1933, a plea of guilty 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.*

20661. Adulteration of evaporated apples. U. S. v. 41 Cases of Evaporated Apples. No claim entered. Verdict for the Government. Decree of condemnation and destruction, with the provision that any portion fit for food be delivered to a charitable institution. (F. & D. no. 28738. Sample no. 13307-A.)

This action involved the interstate shipment of a quantity of evaporated apples which were found to be in part wormy.

On August 22, 1932, the United States attorney for the Western District of Louisiana, 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 41 cases of evaporated apples at Alexandria, La., alleging that the article had been shipped on or about January 11, 1932, by Kimmons, Walker & Co., from Springdale, Ark., and had been transported in interstate commerce from the State of Arkansas into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cartons) "Springdale Brand Evaporated Apples Packed by Kimmons, Walker & Co., Springdale, Ark."

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

On January 24, 1933, no claimant having appeared for the property, and a jury having found that the allegations of the libel were true and correct, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal. The decree provided further that any portion fit for food be delivered to charitable institutions.

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

20662. Adulteration of canned peaches. U. S. v. 35 Cases of Georgia Belle Brand Canned Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29075. Sample no. 15351-A.)

This action involved the interstate shipment of a quantity of canned peaches, samples of which were found to be partially decomposed.

On October 15, 1932, the United States attorney for the Eastern District of Tennessee, 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 35 cases of canned peaches, remaining in the original unbroken cases at Knoxville, Tenn., alleging that the article had been shipped in interstate commerce on or about July 17, 1930, by Pomona Products Co., from Griffin, Ga., to Knoxville, Tenn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Georgia Belle Brand Peaches, Unpeeled."

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

On December 27, 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.*

20663. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 29341. I. S. no. 12811.)

This action was based on 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 prescribed by Congress; sample packages also were found to contain less than 1 pound, the declared weight.

On December 8, 1932, the United States attorney for the Western District of Washington, 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 Mutual Creamery Co., a corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about April 4, 1932, from the State of Washington into the Territory of Alaska, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Net Weight One Pound When Wrapped Cascade Pasteurized Butter Mutual Creamery Company, U. S. A."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "Net Weight One Pound", borne on the label, 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 statement "Butter" represented that the article contained not less than 80 percent by weight of milk fat, whereas it contained less than 80 percent of milk fat; and the statement "Net Weight One Pound" represented that each package contained 1 pound of the article, whereas each of a large number of the packages contained less than 1 pound. 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 packages, since the statement made was incorrect.

On December 30, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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