

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

On January 5, 1933, the Oregon Packing Co., having appeared as claimant for the property 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 claimant, upon payment of costs and the execution of a bond in the sum of \$300, 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.

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

**20803. Adulteration of canned pumpkin. U. S. v. 10 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29709. Sample no. 22444-A.)**

This case involved a shipment of canned pumpkin that was found to be unsterile and decomposed.

On December 31, 1932, the United States attorney for the District of Maryland, 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 10 cases of canned pumpkin, remaining in the original unbroken packages at Frederick, Md., alleging that the article had been shipped in interstate commerce on or about December 14, 1932, by the William Laning & Son Co., from Bridgeton, N.J., to Frederick, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Silver Lake Brand Fancy Pumpkin."

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

On January 16, 1933, 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.*

**20804. Adulteration of tomato catsup. U. S. v. 146 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29707. Sample no. 21220-A.)**

This case involved a shipment of tomato catsup that contained excessive mold.

On January 4, 1933, 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 146 cases of tomato catsup at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about October 27, 1932, by A. C. Soper Co., from Farmingdale, N.J., to New York, N.Y., charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gold Medal Brand Catsup."

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

On January 28, 1933, 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.*

**20805. Adulteration of butter. U. S. v. 5 Cubes of Butter. Product ordered released under bond to be reworked. (F. & D. no. 29921. Sample no. 20310-A.)**

This action involved an interstate shipment 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 February 8, 1933, the United States attorney for the Southern 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 5 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about February 4, 1933, by the B. A. C. Dairy, from Cedar City, Utah, to Los Angeles, Calif., 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 percent of milk fat had been substituted wholly or in part for butter.

On February 9, 1933, Joseph Thorup, Los Angeles, Calif., having filed a claim for the product and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be made to comply with the law. On February 11, 1933, the butter having been reworked, final decree was entered ordering that the release be made permanent and that the bond be exonerated.

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

**20806. Adulteration and misbranding of pineapple sirup and raspberry sirup. U. S. v. H. A. Johnson Co. Plea of nolo contendere. Fine, \$50. (F. & D. no. 28180. I. S. no. 34407, 34408.)**

This case was based on the interstate shipment of quantities of pineapple and raspberry sirups that contained added, undeclared citric acid, and the latter was also artificially colored.

On January 30, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the H. A. Johnson Co., a corporation, Boston, Mass., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 10, 1931, from the State of Massachusetts into the State of New Hampshire, of quantities of pineapple sirup and raspberry sirup that were adulterated and misbranded. The articles were labeled in part: "Johnson's \* \* \* Pineapple [or "Raspberry"] Syrup \* \* \* Manufactured by H. A. Johnson Co. Boston and New York."

It was alleged in the information that both articles were adulterated in that an undeclared added substance, citric acid, and in the case of the raspberry sirup, artificial color, had been substituted in part for the articles.

Misbranding was alleged for the reason that the statements, "Pineapple Syrup" and "Raspberry Syrup", borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted solely of pineapple sirup and raspberry sirup, whereas both products contained added, undeclared citric acid, and the raspberry sirup also contained undeclared artificial color.

On February 27, 1933, 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.*

**20807. Adulteration of celery. U. S. v. Randolph Marketing Co. Plea of guilty. Fine, \$200. (F. & D. no. 28170. I. S. no. 25209.)**

This case was based on an interstate shipment of celery that was found to bear arsenic in an amount that might have rendered it injurious to health.

On January 18, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Randolph Marketing Co., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 3, 1931, from the State of California into the State of Illinois, of a quantity of celery that was adulterated. The article was labeled in part: "Randolph Marketing Co., Los Angeles, Cal."

It was alleged in the information that the article was adulterated in that it contained an added poisonous and deleterious ingredient, namely, arsenic, in an amount which might have rendered it injurious to health.

On February 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

**20808. Misbranding of canned lima beans. U. S. v. 100 Cases, et al., of Canned Lima Beans. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 29687, 29720, 29721, 29722 29723, 29742. Sample no. 26328-A.)**

These cases involved an interstate shipment of canned mature, soaked, dry lima beans labeled to convey the impression that they were fresh lima beans, which impression was not corrected by the inconspicuous statement that they consisted of dried beans.