

misleading and for the further reason that they were labeled so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted of tomato paste and tomato puree; whereas they did not so consist but did consist of insufficiently condensed, strained tomato products made in part from tomato trimmings. Misbranding of the tomato paste and tomato puree was alleged for the further reason that they were imitations of and were offered for sale under the distinctive names of other articles, namely, tomato paste and tomato puree.

Misbranding of the canned tomatoes was alleged for the reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since its color was not the naturally developed red of the mature red fruit of the tomato vine, as prescribed by said standard, and since it contained peel in excess of the maximum permitted by said standard, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On November 5, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**25282. Adulteration of butter. U. S. v. Perry J. Bradley and Vincent Michalak (Enterprise City Creamery). Pleas of guilty. Fines, \$75. (F. & D. no. 34077. Sample no. 11110-B.)**

This case was based on a shipment of butter which contained less than 80 percent of milk fat.

On October 17, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Perry J. Bradley and Vincent Michalak, copartners, trading as the Enterprise City Creamery, Enterprise, Oreg., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about July 28, 1934, from the State of Oregon into the State of Washington of a quantity of butter which was adulterated.

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

On November 15, 1935, the defendants entered pleas of guilty and were fined \$75.

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

**25283. Adulteration of tomato pulp and tomato puree. U. S. v. Houston H. Craig (Lapel Canning Co.). Plea of guilty. Fine, \$25. (F. & D. no. 34079. Sample nos. 19756-B to 19759-B, incl.)**

This case was based on shipments of tomato pulp and tomato puree which contained an excessive amount of decomposed material.

On September 5, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Houston H. Craig, trading as the Lapel Canning Co., Lapel, Ind., alleging shipments by said defendant in violation of the Food and Drugs Act, on or about October 22, October 25, November 2 and November 15, 1934, from the State of Indiana into the State of Ohio, of quantities of tomato pulp and tomato puree which were adulterated.

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed vegetable substances.

On October 11, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25.

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

**25284. Adulteration of tomato puree. U. S. v. Barker Canning Corporation. Plea of guilty. Fine, \$100. (F. & D. no. 34080. Sample nos. 24015-B to 24018-B, incl.)**

This case was based on interstate shipments of tomato puree which was found to contain excessive mold.

On August 5, 1935, 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 an information against the Barker Canning Corporation, Barker, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 3, October 19, and November 7, 1934, from the State of New York into the State of Pennsylvania, of quantities of