

posed in part of olive oil, but was composed of cottonseed oil and it was not produced in Italy, but was a domestic product. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so and for the further reason that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On October 14, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$10.

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

25319. Adulteration of tomato puree and tomato catsup. U. S. v. Grover C. Hutcherson (Shirley Canning Co.). Plea of guilty. Fine, \$25. (F. & D. no. 35935. Sample nos. 3375-B, 22823-B, 27861-B, 27958-B, 27973-B, 32944-B, 32945-B.)

This case covered tomato puree and tomato catsup that contained excessive mold.

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 Grover C. Hutcherson, trading as the Shirley Canning Co., Shirley, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 3, 1934, from the State of Indiana into the State of Nebraska, of a quantity of tomato puree; and on or about September 27, September 28, October 5, October 8, October 24, November 28, and December 21, 1934, from the State of Indiana into the States of Missouri, Minnesota, Tennessee, and Nebraska, of quantities of tomato catsup which products were adulterated. The articles were labeled in part, variously: "Marco * * * Tomato Puree H. A. Marr Grocery Co. Distributors * * * Omaha, Nebr."; "Shirley Brand Quality Supreme Catsup Packed By Shirley Canning Co. Shirley, Ind."; "Highland Brand Tomato Catsup * * * Packed By The G. S. Suppiger Co., Belleville, Ill."; "Polly Brand Catsup * * * H. P. Lau Co. Distributors Lincoln-Fremont Nebr."

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

On October 22, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25.

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

25320. Adulteration of tomato puree. U. S. v. Rockfield Canning Co. Plea of guilty. Fine, \$5. (F. & D. no. 35944. Sample no. 32986-B.)

This case was based on a shipment of tomato puree that contained excessive mold.

On September 5, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rockfield Canning Co., a corporation, Rockfield, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 25, 1935, from the State of Wisconsin into the State of Missouri, of a quantity of tomato puree which was adulterated. The article was labeled in part: "Pallas * * * Tomato Puree Ridenour-Baker Grocery Co. Distributors Kansas City, Mo."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On November 18, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$5.

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

25321. Misbranding of cottonseed meal. U. S. v. East St. Louis Cotton Oil Co. (Forrest City Cotton Oil Mill). Plea of guilty. Fine, \$25. (F. & D. no. 35955. Sample no. 33011-B.)

This case was based on an interstate shipment of cottonseed meal that contained less crude protein than declared on the label.

On September 20, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the East St. Louis Cotton Oil Co., a corporation, trading as the Forrest City Cotton Oil Mill at Forrest City, Ark., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 28, 1935, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Army Brand Prime Quality 43% Protein Cottonseed

Cake and Meal Manufactured for Louis Tobian & Company Dallas, Texas
Guaranteed Analysis: Crude Protein, not less than 43.00%."

The article was alleged to be misbranded in that the statements, "43% Protein * * * Guaranteed Analysis: Crude Protein, not less than 43.00%", borne on the tags attached to the sacks containing the articles, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since it contained less than 43 percent of protein, namely, not more than 40½ percent of protein.

On October 12, 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.*

25322. Adulteration and misbranding of wheat gray shorts. U. S. v. Ada Milling Co. Plea of guilty. Fine, \$100. (F. & D. no. 35959. Sample nos. 10154-B, 10155-B.)

This case was based on a shipment of a product sold as wheat gray shorts, but which in fact consisted of wheat brown shorts containing crude fiber in excess of the amount declared on the label.

On November 11, 1935, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court, an information against the Ada Milling Co., a corporation, Ada, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 18 and May 1, 1935, from the State of Oklahoma into the State of Texas, of quantities of alleged wheat gray shorts which product was adulterated and misbranded. The article was labeled in part: (Tag) "Wheat Grey Shorts Manufactured by Ada Milling Company, Ada, Oklahoma. Guaranteed Analysis: * * * Crude Fiber, not more than . . . 5.50%."

The article was alleged to be adulterated in that wheat brown shorts had been substituted wholly for wheat gray shorts, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Wheat Grey Shorts" and "Guaranteed Analysis: Crude Fiber not more than 5.50%", borne on the tags attached to the sacks containing the article, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it consisted of wheat brown shorts and contained more than 5.50 percent of crude fiber.

On November 22, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

25323. Adulteration of tomato puree. U. S. v. Joe Curtis Dunn (La Feria Canning Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. no. 35970. Sample no. 33091-B.)

This case was based on a shipment of tomato puree that contained excessive mold.

On October 3, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joe Curtis Dunn, trading as the La Feria Canning Co., La Feria, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 24, 1935, from the State of Texas into the State of Oklahoma, of a quantity of tomato puree which was adulterated. The article was labeled in part: "Valley Red Brand * * * Tomato Puree * * * Packed By La Feria Canning Company, La Feria, Texas."

The article was alleged to be adulterated in that it consisted largely of a decomposed vegetable substance.

On December 2, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$100 and costs.

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

25324. Adulteration of butter. U. S. v. Albert City Cooperative Creamery Association. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 35974. Sample nos. 33616-B, 33630-B.)

This case involved shipments of butter that contained less than 80 percent by weight of milk fat.

On September 16, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the