

**26676. Adulteration and misbranding of tomato juice. U. S. v. Nelson Packing Co. Plea of guilty. Fine, \$70. (F. & D. no. 38016. Sample nos. 59141-B, 59167-B, 59190-B.)**

This case involved interstate shipments of tomato juice which contained excessive mold and a part of which was short in volume.

On September 16, 1936, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Nelson Packing Co., a corporation, Springdale, Ark., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of September 16 and November 19, 1935, from the State of Arkansas into the States of Oklahoma and Missouri of quantities of tomato juice that was adulterated and misbranded. A portion of the article was labeled: "First Pick Brand, Juice of Fancy Tomatoes \* \* \* Packed for Carroll, Brough & Robinson, Oklahoma City, Okla." The remainder was labeled: "Nelson's Brand Tomato Juice, Contents 12½ Fl. Oz. Delicious, Refreshing, This Tomato Juice is Pure \* \* \* Produced \* \* \* By Nelson Packing Co., Inc., Springdale, Arkansas."

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

The article was alleged to be misbranded in that the statement "Juice of Fancy Tomatoes" with respect to the First Pick brand and the statement "This Tomato Juice is Pure" with respect to the Nelson's brand, borne on the labels, were false and misleading and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the former lot was not the juice of Fancy tomatoes but was juice made from moldy tomatoes and the latter lot was not pure tomato juice but a product which consisted in whole or in part of a decomposed vegetable substance. Misbranding was alleged with respect to a portion of Nelson's brand for the further reason that the statement "Contents 12½ Fl. Oz.", borne on the label, was false and misleading and in that it was labeled as aforesaid, so as to deceive and mislead the purchaser since the cans did not contain 12½ fluid ounces but did contain a less amount, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On December 29, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$70.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26677. Adulteration and misbranding of preserves and jams. U. S. v. Glaser, Crandell Co. Plea of guilty. Fine, \$50. (F. & D. no. 38028. Sample nos. 55417-B, 55418-B, 58101-B, 58103-B.)**

This case involved alleged preserves and jams that contained less fruit and more sugar than preserves and jams should contain.

On October 30, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Glaser, Crandell Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 22, 1935, from the State of Illinois into the State of Indiana of quantities of jams, and on or about March 25, 1936, from the State of Illinois into the State of Wisconsin of quantities of preserves that were adulterated and misbranded. The preserves were labeled in part: (Jar) "Everbest Preserves Peach [or "Strawberry"] \* \* \* Glaser, Crandell Co., Chicago, U. S. A." The jams were labeled in part: "Mickey Mouse \* \* \* Peach [or "Blackberry"] jam, Glaser, Crandell Co., Chicago."

The articles were alleged to be adulterated in that substances containing less fruit and more sugar than are contained in preserves and jams had been substituted wholly for peach preserves, strawberry preserves, peach jam, and blackberry jam, respectively, which the articles purported to be; in that sugar had been mixed and packed with said fruit in a proportion of sugar to fruit in excess of the proportion of sugar contained in preserves and jams, and that the quality of the articles had been reduced or lowered; in that the articles were inferior to preserves and jams and such inferiority was concealed by the mixing and packing of the said fruit with a proportion of sugar to fruit in excess of that contained in preserves and jams.

Misbranding was alleged in that the articles were imitations of preserves and jams and had been offered for sale under the distinctive names of other articles, namely, peach preserves, strawberry preserves, peach jam, and blackberry jam, respectively; in that there was borne on the label the statements "Preserves Peach", "Preserves Strawberry", "Peach Jam", and "Blackberry Jam"; that the said statements were false and misleading, since the articles were not preserves and jams and thereby were labeled so as to deceive and mislead the purchaser.

On November 20, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26678. Adulteration and misbranding of coffee screenings. U. S. v. Alexander Moseley. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 38031. Sample nos. 62357-B to 62366-B, incl., 68172-B.)**

This case involved a product sold as coffee screenings that was found to consist in a large part of coffee chaff.

On October, 5, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alexander Moseley, Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 7, 8, 10, 22, and 27 and February 1, 1936, from the State of Illinois into the State of Louisiana, and on or about February 8, 1936, from the State of Illinois into the State of Ohio, of quantities of coffee screenings that were adulterated and misbranded.

The article was alleged to be adulterated in that coffee chaff had been mixed and packed therewith so as to reduce and lower its quality and strength and had been substituted in whole or in part for coffee screenings, which the article purported to be.

The article was alleged to be misbranded in that the statement "Coffee Screenings", borne on the bags containing the article, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was composed wholly of coffee screenings; whereas it was not composed wholly of coffee screenings but was composed in a large part of coffee chaff.

Misbranding was alleged for the further reason that the article consisted of a mixture composed in a large part of coffee chaff and was offered for sale under the distinctive name of an article, namely, coffee screenings.

On December 7, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26679. Adulteration of butter. U. S. v. Farmers' Marketing Association. Plea of guilty. Fine, \$10. (F. & D. no. 38068. Sample no. 7061-C.)**

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On November 24, 1936, 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 the Farmer's Marketing Association, a corporation, at Columbus, Ind., alleging shipment by said company in violation of the Food and Drugs Act on or about July 25, 1936, from the State of Indiana into the State of Massachusetts 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 December 11, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26680. Adulteration of cherries. U. S. v. 3 Crates and 20 Crates of Cherries. Default decrees of condemnation and destruction. (F. & D. nos. 38141, 38156. Sample nos. 5842-C, 5844-C.)**

These cases involved cherries that were contaminated with arsenic and lead.

On July 27, 1936, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district