

On November 18, 1935, the case having come on for trial before a jury, the court directed that a verdict be returned for the defendant.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26929. Adulteration of tomato catsup. U. S. v. 65 Cans of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 36274. Sample no. 26385-B.)**

This product contained filth resulting from worm infestation.

On September 9, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 cases of tomato catsup at Portland, Oreg., alleging that it had been shipped in interstate commerce on or about July 25, 1935, by Libby, McNeill & Libby from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Silver Dale Brand Tomato Catsup \* \* \* Packed \* \* \* for Emery Food Co., Chicago."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On March 10, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26930. Adulteration and misbranding of butter. U. S. v. Kraft-Phenix Cheese Corporation. Plea of guilty. Fine, \$110. (F. & D. no. 34093. Sample nos. 4161-B, 4178-B, 4180-B, 4182-B.)**

This butter contained less than 80 percent of milk fat. The statement of the quantity of the contents appearing on the packages of the Chiffon Whipt butter was inconspicuous and was incorrect in certain lots. No statement of the quantity of the contents appeared on the packages of the country-roll butter.

On April 30, 1936, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kraft-Phenix Cheese Corporation, having a place of business at Water Valley, Miss., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 14, July 27, July 28, and July 29, 1934, from the State of Mississippi into the State of Louisiana, of quantities of butter that was adulterated and misbranded. A portion of the article was labeled: (Case) "40 Half Pound Packages"; (package) "Chiffon Whipt Butter \* \* \* Created by Kraft Kraft-Phenix Cheese Corporation \* \* \* Chicago, Illinois \* \* \* Net Wt. ½ Lb." (The statement of weight on the packages was inconspicuous.) The remainder was labeled "Country Rolls."

The article was alleged to be adulterated in that a product which contained 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 Congress of March 4, 1923, which the article purported to be.

The Chiffon Whipt butter was alleged to be misbranded in that the statement "Butter", with respect to all lots, and the statements "Half-Pound" and "Net Wt. ½ Lb.", with respect to portions thereof, were false and misleading and were applied to the article so as to deceive and mislead the purchaser, since it contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress; and the packages in certain shipments contained less than one-half pound. Misbranding was alleged with respect to all lots for the 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 package.

On December 9, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$110.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26931. Adulteration of canned salmon. U. S. v. Berg & Co., Inc., and Jorgen E. Berg. Pleas of guilty. Fine, \$50 and costs. (F. & D. no. 36953. Sample no. 53608-B.)**

This product was in part decomposed.

On April 22, 1936, the United States attorney for the First Division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed