

On February 16, 1938, 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 a libel praying seizure and condemnation of 400 sacks of potatoes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 7, 1938, by E. J. Whitney, of Winn, Maine, from North Lincoln, Maine, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Maine Potatoes Grade U. S. No. 1. E. J. Whitney, Winn, Me."

It was alleged to be misbranded in that the statement "Grade U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. Grade No. 1.

On February 26, 1938, Benjamin Balish Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly relabeled.

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

**28649. Adulteration and misbranding of tomato puree. U. S. v. Angelo Glorioso. Plea of guilty. Defendant fined \$300 and placed on probation for 3 years. (F. & D. No. 39740. Sample No. 34515-C.)**

This product contained less tomato solids than tomato puree should contain.

On June 17, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Angelo Glorioso, New Orleans, La., alleging shipment by said defendant in violation of the Food and Drugs Act on or about June 27, 1936, from the State of Louisiana into the State of Florida, of a quantity of tomato puree which was adulterated and misbranded. The article was labeled in part: "Eagle Brand Tomato Puree \* \* \* Packed by A. Glorioso, New Orleans, La."

It was alleged to be adulterated in that a product deficient in tomato solids had been substituted in whole and in part for tomato puree, which it purported to be.

The article was alleged to be misbranded in that the statement "Tomato Puree," borne on the can label, was false and misleading; and in that the said statement was borne on the label so as to deceive and mislead the purchaser since the article did not consist of tomato puree but did consist of a product deficient in tomato solids.

On March 7, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$300 on count 1 of the information. Sentence was suspended on count 2, and the defendant was placed on probation for a period of 3 years.

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

**28650. Adulteration of butter. U. S. v. Abram Archer and Thomas Buckley Archer (Archer Produce Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 40769. Sample No. 60432-C.)**

This product contained less than 80 percent by weight of milk fat.

On March 28, 1938, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Abram Archer and Thomas Buckley Archer, copartners trading as Archer Produce Co., Vinita, Okla., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about September 23, 1937, from the State of Oklahoma into the State of Illinois of a quantity of butter that 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 April 18, 1938, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$25.

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

**28651. Adulteration of crab meat. U. S. v. Carol Dryden and A. Earl Dize (Carol Dryden & Co.). Pleas of guilty. Fines, \$100 and costs. (F. & D. No. 38619. Sample Nos. 6700-B, 7876-C.)**

This product contained evidence of the presence of filth.

On March 17, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture filed in the district court an information against Carol Dryden and A. Earl Dize, copartners, trading as