

9526. Adulteration of shell eggs. U. S. * * * v. Farmers Cooperative Elevator & Supply Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 14557. I. S. No. 333-t.)

On June 29, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Cooperative Elevator & Supply Co., a corporation, Newkirk, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 8, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination of three cases of eggs from the consignment by the Bureau of Chemistry of this department showed a total of 76, or 7.04 per cent, inedible eggs, consisting of black rots, white rots, moldy eggs, spot rots, blood rings, heavy, enlarged embryo, and very badly heated eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9527. Adulteration of canned salmon. U. S. * * * v. 3,166 Cases * * * of Alaska Pink Salmon * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14592. I. S. No. 10575-t. S. No. W-883.)

On March 4, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3,166 cases of Alaska pink salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Central Alaska Fisheries, Inc., from Drier Bay, Alaska, on August 6, 1920, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 11, 1921, the Central Alaska Fisheries, Inc., Berkeley, Calif., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the product be disposed of as fish food under the direction of or to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9528. Adulteration and misbranding of canned tomatoes. U. S. * * * v. Winfield Webster and Guy L. Webster (Winfield Webster & Co.). Pleas of guilty. Fine, \$10 and costs. (F. & D. No. 14722. I. S. No. 15340-r.)

On June 15, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Winfield Webster and Guy L. Webster, copartners, trading as Winfield Webster & Co., Vienna, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about September 4, 1919, from the State of Maryland into the

District of Columbia, of a quantity of Blue Dot Brand tomatoes which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of poorly peeled and off-color tomatoes and tomato pulp made from skins and cores of tomatoes and partly decayed tomato stock.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, moldy tomato pulp, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, for the further reason that substances, to wit, moldy tomato pulp and pulp from the skin and cores of tomatoes, had been substituted in whole or in part for sanitary and wholesome canned tomatoes, which the article purported to be, and for the further reason that the said article consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the statement and device borne on the can label, regarding the article and the ingredients contained therein, to wit, " * * * Tomatoes * * * These Tomatoes Were Packed In A Sanitary Factory," and the cut showing a whole ripe tomato, were false and misleading in that they represented that the said article was pure, wholesome, and whole ripe tomatoes canned in a sanitary factory that observed sanitary rules, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed of pure, whole, ripe tomatoes packed in a sanitary manner, whereas, in truth and in fact, it did not consist of pure, whole, wholesome, and sanitary tomatoes, but did consist in whole or in part of moldy tomato pulp and the cores and skins of tomatoes. Misbranding was alleged for the further reason that the article was a product composed in whole or in part of the cores and skins of tomatoes and of moldy tomato pulp prepared in imitation of wholesome and whole ripe tomatoes, and was offered for sale and sold under the distinctive name of another article, to wit, tomatoes.

On June 15, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9529. Adulteration of canned blackberries. U. S. * * * v. 1,183 Cases * * * of Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14830. I. S. No. 2075-t. S. No. C-2995.)

On April 23, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,183 cases, more or less, of blackberries, at Chicago, Ill., alleging that the article had been shipped by the Elmore Packing Co., Aberdeen, Wash., on February 26, 1921, and transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Elmore's Blackberries."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On July 22, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*