13594. Adulteration of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20202. I. S. No. 22426-v. S. No. C-4754.)

On June 20, 1925, 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 praying the seizure and condemnation of 28 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Park Falls Creamery Co., from Park Falls, Wis., June 15, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

On July 13, 1925, Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

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

13595. Adulteration of canned salmon. U. S. v. 16 Cases and 86 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18278. I. S. Nos. 18719-v, 18720-v. S. No. C-4273.)

On January 30, 1924, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cases of chum salmon and 86 cases of pink salmon, at Prescott, Ark., alleging that the article had been shipped by Gorman & Co., Seattle, Wash., on or about September 28, 1923, and transported from the State of Washington into the State of Arkansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Gorman's Chum" (or "Pink") "Salmon Distributed by Gorman And Company, Seattle, U. S. A."

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 May 12, 1925, the Walker Grocery Co., Stamps, Ark., claimant, having consented to the entry of a decree and to the reconditioning of the product under the supervision of this department, judgment of condemnation was entered, and it was ordered by the court that the good portion of the product be delivered to the claimant upon payment of the costs of the proceedings, the execution of a bond in the sum of $250, in conformity with section 10 of the act, and the destruction of the portion unft for human consumption.

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

13596. Misbranding of canned tomatoes. U. S. v. Daniel Foggie Arrington and Richard Irving Arrington (Arrington Bros.). Pleas of guilty. Fine, $50. (F. & D. No. 19316. I. S. Nos. 798-v, 16502-v.)

On April 28, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Daniel Foggie Arrington and Richard Irving Arrington, copartners, trading as Arrington Bros., Montvale, Va., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about September 29, 1923, from the State of Virginia into the State of South Carolina, and on or about October 20, 1923, from the State of Virginia into the State of North Carolina, of quantities of canned tomatoes which were misbranded. The article was labeled in part: "Smyrna Special Brand Tomatoes Contents 2 Pounds * * * Packed By Arrington Bros. Montvale, Va."

Examination by the Bureau of Chemistry of this department of samples consisting of 24 cans from each of the two consignments showed average shortages in the net contents of 3.3 ounces and 2.3 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 2 Pounds," borne on the labels, was false and misleading, in that the said statement represented that each of the cans contained 2 pounds of tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 2 pounds of tomatoes, whereas each of said cans did not contain 2 pounds of tomatoes but did contain a less amount. Misbranding was alleged for the further 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 June 6, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50.

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

13597. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 96 Cases of Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19213. I. S. No. 17329–v. S. No. E–5032.)

On or about December 8, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying the seizure and condemnation of 96 cases of tomatoes, remaining in the original unbroken packages at Staunton, Va., consigned on or about September 4, 1924, alleging that the article had been shipped by the H. J. McGrath Co., from Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "McGrath's Tomatoes * * * Champion Brand Packed by The H. J. McGrath Co. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the label, was false and misleading and deceived the purchaser into the belief that the article was in fact tomatoes, whereas it consisted in part of another substance, namely, added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of tomatoes, whereas it consisted in part of another article, namely, water.

On June 10, 1925, the H. J. McGrath Co., Baltimore, Md., having appeared as claimant for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled.

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

13598. Adulteration and misbranding of pickles. U. S. v. Bond Pickle Co. Plea of guilty. Fine, $10. (F. & D. No. 18351. I. S. No. 6749–v.)

On December 31, 1924, the United States attorney for the Eastern District of Wisconsin, 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 Bond Pickle Co., a corporation, Sobieski, Wis., alleging shipment by said company, in violation of the food and drugs act as amended, on or about October 16, 1923, from the State of Wisconsin into the State of Missouri, of a quantity of pickles which were adulterated and misbranded. The article was contained in casks labeled in part: "Bond Pickle Co. 45 Gals. 800 Size" (or "1200 Size") "Dill Pickles Oconto Wis."

Examination by the Bureau of Chemistry of this department of 10 barrels from the consignment showed an average shortage of 3.08 gallons. A count of 7 barrels of the alleged 1,200 size and 5 barrels of the alleged 800 size showed an average count of 1,049 pickles and 681 pickles, respectively.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, brine, had been substituted in part for pickles, which the said article purported to be.