whole or in part of frost-damaged grapefruit that had been substituted in whole or in part for edible grapefruit, and in that a valuable constituent, juice, had been wholly or in part abstracted from the article. It was ordered by the court that the product be condemned and forfeited and that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of $200, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act. It was further ordered by the court that the product be examined under the supervision of a representative of this department and all fruit found to be decomposed or frozen destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17237. Misbranding of tomato paste. U. S. v. 401 Cases, et al., of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24445. I. S. No. 017367. S. No. 2710.)

On January 16, 1930, 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 a libel praying seizure and condemnation of 1,047 cases of tomato paste, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by R. C. Boylan, from Laurel, Del., on or about December 10, 1929, and transported from the State of Delaware into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Samson Brand Tomato Paste * * * Packed expressly for Norma Packing Co., Youngstown, O." (Cut of red ripe tomato, with words "with color added" stamped inconspicuously thereon.)

It was alleged in the libel that the article was misbranded in that the words "with color added," appearing on the design of red ripe tomatoes on the can label, were so inconspicuously and obscurely placed thereon as not readily to inform the purchaser that the article was artificially colored, and by reason thereof the designation "Tomato Paste" was false and misleading when applied to a product artificially colored.

On February 18, 1930, R. C. Boylan, Youngstown, Ohio, having appeared as claimant for the property, 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 costs and the execution of a bond in the sum of $5,000, conditioned in part that it be relabeled so as to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17238. Adulteration of butter. U. S. v. Walter Hans Kruger (Bruce Creamery and Bruce Creamery Co.). Plea of guilty. Fine, $25. (F. & D. No. 23767. I. S. No. 04520.)

On March 6, 1930, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter Hans Kruger, trading as Bruce Creamery and Bruce Creamery Co., Bruce, S. Dak., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 13, 1929, from the State of South Dakota into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On March 25, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17239. Adulteration of grapefruit. U. S. v. 247 Boxes of Grapefruit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24538. I. S. No. 012057. S. No. 2849.)

On February 17, 1930, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 247 boxes of grapefruit, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by J. C. Bauer, from Alamo, Tex., on February 5, 1930, and transported from

whole or in part of frost-damaged grapefruit that had been substituted in whole or in part for edible grapefruit, and in that a valuable constituent, juice, had been wholly or in part abstracted from the article. It was ordered by the court that the product be condemned and forfeited and that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of $200, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act. It was further ordered by the court that the product be examined under the supervision of a representative of this department and all fruit found to be decomposed or frozen destroyed.

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