

On July 2, 1930, Domenico D'Angiola (Inc.), New York City, N. Y., 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 costs and the execution of a bond in the sum of \$1,200, or the deposit of cash collateral in like amount, conditioned in part that it be exported under the supervision of this department and the New York customs authorities.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17571. Adulteration and misbranding of catsup. U. S. v. W. M. Harris & Sons Co. Plea of guilty. Fine, \$50. (F. & D. No. 25003. I. S. Nos. 03297, 07657, 08042.)

Samples of the catsup from the herein described interstate shipments having been found to contain decomposed material and to be artificially colored with cochineal, the Secretary of Agriculture reported the facts to the United States attorney for the District of Delaware.

On June 13, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against W. M. Harris & Sons Co., a corporation, Wyoming, Del., alleging shipment by said company in violation of the food and drugs act, on or about December 6, 1928, under the name of Wm. Harris & Son Co., and on or about May 28, 1929, under the name of W. M. Harris & Sons, from the State of Delaware into the State of Pennsylvania, and on or about April 10, 1929, under the name of W. M. Harris Co., from the State of Delaware into the State of Louisiana, of quantities of tomato catsup which was adulterated and misbranded. The article was labeled in part: (Can) "Harris' Star Brand Hot [or Sweet] Catsup * * * One of Harris' Pure Products * * * Packed from Fresh Ripe Tomatoes * * * Packed by W. M. Harris & Sons Co., Main Office, Wyoming, Delaware." A portion of the said article bore the statement "Added Color" inconspicuously stamped on the cans.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the statements, "Catsup * * * Packed from Fresh Ripe Tomatoes, * * * One of Harris' Pure Products," together with the design of a red ripe tomato, borne on the cans containing the article, and the statement "Added Color" in small, inconspicuous type, also appearing on a portion of the said cans, were false and misleading in that the said statements and design represented that the article was pure, uncolored catsup made solely from fresh ripe tomatoes; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure, uncolored catsup made solely from fresh, ripe tomatoes; whereas it was not but was a catsup made in part from decomposed tomatoes, and was artificially colored with cochineal.

On June 18, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17572. Adulteration of oranges and grapefruit. U. S. v. William E. Lee (W. E. Lee). Plea of guilty. Fine, \$25. (F. & D. No. 22551. I. S. Nos. 2577-x, 2658-x, 12478-x, 15297-x, 15467-x.)

An examination of samples of oranges and grapefruit from the herein described interstate shipments having shown that a large portion of the fruit was dry, due to frost damage, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On June 25, 1928, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against William E. Lee, trading as W. E. Lee at Thonotosassa, Fla., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 21, 1927, and March 15, 1927, from the State of Florida into the States of Alabama and Louisiana, respectively, of quantities of oranges, and on or about March 4, 1927, March 21, 1927, and March 23, 1927, from the State of Florida into the States of Ohio, Oklahoma, and Kansas, respectively, of quantities of grapefruit which said products were adulterated. The oranges were labeled in part: "Seal Sweet Yellow Kid Brand, W. E. Lee * * * Plant City, Florida," or "Good Natured Brand." The grapefruit were labeled in part: "The Yellow Kid Brand * * * W. E. Lee," or "Good Nature * * * Grapefruit * * * W. E. Lee, * * * Plant City, Fla."

It was alleged in the information that the articles were adulterated in that substances, namely, decomposed and frost-damaged fruit, had been substituted in part for edible fruit which the articles purported to be; in that orange juice or grapefruit juice, valuable constituents of the articles, had been in part abstracted; and in that the articles consisted in part of decomposed vegetable substances.

On July 3, 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.*

17573. Misbranding of butter. U. S. v. Armour Creameries. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 23722. I. S. Nos. 026, 027, 029, 030, 031, 032, 051, 052, 057, 058, 22561-x.)

Samples of the butter from the herein described interstate shipments, which consisted of prints labeled as weighing 4 ounces, 1 pound, or 2 pounds, as the case might be, having been found to be short weight, the Secretary of Agriculture reported the facts to the United States attorney for the District of Montana.

On July 19, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid an information containing 15 counts against the Armour Creameries, a corporation, trading at Miles City, Mont., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about June 12, June 22, June 30, and July 4, 1928, respectively, from the State of Montana into the State of California, of quantities of butter which was misbranded. The article was labeled in part, variously: "Armour's Cloverbloom Creamery Butter One Pound [or "Two Pounds"] Net Weight;" "Cloverbloom Brand Creamery Butter * * * Net Weight One Pound [or "Two Pounds"]"; "Supreme Fancy Creamery Butter * * * One Pound [or "Two Pounds"] Net Weight;" "Net Weight—Four Ounces;" "2 Lbs. Net Weight;" or "1 Lb. Net Weight." On June 19, 1930, counts 3, 7, 11, and 15 of the information were amended and the remaining counts dismissed.

It was alleged in the amended counts of the information that the article was misbranded in that it 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 19, 1930, a plea of guilty to said counts, as amended, was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17574. Adulteration of butter. U. S. v. 6 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24882. I. S. No. 036401. S. No. 3179.)

Samples of the butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about May 29, 1930, the said United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the New Albin Creamery Co., from New Albin, Iowa, May 14, 1930, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

On June 3, 1930, H. C. Christians 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*