

On December 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of canned tomatoes, remaining in the original cans at Parkersburg, W. Va., alleging that the article had been shipped on or about September 12, 1930, by W. E. Robinson & Co., from Federalsburg, Md., and had been transported in interstate commerce from the State of Maryland into the State of West Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Robinson Brand Tomatoes \* \* \* Packed for W. E. Robinson, Belair, Md. [cut of red, ripe tomatoes]."

Adulteration was alleged in the libel for the reason that tomato puree, pulp, or juice had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement made upon the containers and the cut of red, ripe tomatoes were false and misleading, since the article was composed in part of tomato puree or juice.

On June 29, 1931, no claimant having appeared for the property, judgment 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19427. Adulteration and misbranding of mustard. U. S. v. Matthew Gormanson, Michael D. Gormanson, and Oscar H. Wallin, copartners (Cook Mustard Manufacturing Co.). Plea of guilty. Fine, \$60. (F. & D. No. 25716. I. S. Nos. 014132, 014135, 029203.)**

This action involved the interstate shipments of quantities of French style and prepared mustard, which were found to contain added wheat starch, mustard bran, and a coloring substance.

On May 25, 1931, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Matthew Gormanson, Michael D. Gormanson, and Oscar H. Wallin, copartners, trading as Cook Mustard Manufacturing Co., St. Paul, Minn., alleging shipment by said defendants, in violation of the food and drugs act, on or about January 27 and January 30, 1930, from the State of Minnesota into the States of South Dakota and North Dakota, of quantities of French style mustard and prepared mustard, which were adulterated and misbranded. The article was labeled in part: "French Style Mustard Flavored and Colored with Turmeric Manufactured by Cook Mustard Mfg. Co., St. Paul, Minn.;" "Prepared Mustard \* \* \* Packed by Foley Bros. Grocery Co. Main Office St. Paul, Minn."

It was alleged in the information that the article was adulterated in that wheat starch and mustard bran had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that a coloring substance, to wit, turmeric, had been mixed with said articles in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statements, "French Style Mustard" and "Prepared Mustard," appearing on the labeling of the respective articles, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented the articles to be French style mustard and standard mustard, respectively, articles which should not contain wheat starch and mustard bran, whereas they were not French style mustard and standard mustard, since they contained wheat starch and mustard bran.

On June 22, 1931, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$60.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19428. Adulteration of frozen mixed eggs. U. S. v. 790 Cans of Frozen Mixed Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26322. I. S. No. 28747. S. No. 4653.)**

Samples of frozen mixed eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On May 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-

demnation of 790 cans of the said frozen mixed eggs, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by E. B. Wright & Son (Inc.), Cincinnati, Ohio, on or about April 7, 1931, and had been transported from the State of Ohio into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Frozen Eggs Mixed E. B. Wright & Son Inc. \* \* \* Cincinnati, O."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

H. C. Kersten, trading as H. C. Kersten & Co., Richmond, Va., appeared as claimant and filed a petition praying release of the property. On May 13, 1931, the claimant having executed a bond, conditioned that the product would not be disposed of contrary to the laws of the United States or other existing laws, the court ordered that the said product be released. On May 22, 1931, the order of release was rescinded and the product was ordered resealed. On the same date the claimant, H. C. Kersten, having admitted the allegations of the libel, a decree was entered formally adjudging the product to be adulterated and ordering its condemnation. The decree provided that the goods be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned in part that it be sorted to separate the unadulterated from the adulterated portion. On June 4, 1931, the product having been sorted and 96 cans which had been found to be decomposed having been denatured, an order was entered releasing the remainder and exonerating the bond.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19429. Adulteration and misbranding of tomato catsup. U. S. v. 16 Cases of Cairns Paisley Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 26418. I. S. No. 15936. S. No. 4734.)

Samples of tomato catsup from the shipment herein described having been found to contain added gum, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of South Carolina.

On May 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 cases of tomato catsup, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by Alex Cairns & Sons (Ltd.), Baltimore, Md., on April 6, 1931, and had been transported from the State of Maryland into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Cairns Paisley Tomato Catsup, made in U. S. A., Alex Cairns and Sons Ltd., Paisley, New York, London \* \* \* Guaranteed free from Preservatives and Coloring Matter."

It was alleged in the libel that the article was adulterated in that tomato catsup containing added gum had been substituted for the article.

Misbranding was alleged for the reason that the statement "Tomato Catsup," was false and misleading, and deceived and misled the purchaser when applied to an article containing added gum. Misbranding was further alleged for the reason that the product was offered for sale under the distinctive name of another article.

On June 25, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19430. Misbranding of cottonseed meal. U. S. v. Cairo Meal & Cake Co. Plea of guilty. Fine, \$75 and costs.** (F. & D. No. 26532. I. S. Nos. 037860, 10450, 10452.)

This action was based on the interstate shipments of quantities of cottonseed meal which was found upon analysis to contain less protein than declared on the labels.

On May 27, 1931, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Cairo Meal & Cake Co., a corporation, Cairo, Ill., alleging shipments by said company, in violation of the food and drugs act, of quantities of cottonseed meal that was misbranded. The information charged that the article had been shipped as follows: On or about March 29, 1930, from Illinois into Kentucky; on or about November 19, 1930, from Illinois into Indiana; and on or about