

tions of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that it be brought into compliance with the law and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19827. Adulteration of canned prunes. U. S. v. Silverton Food Products Co. Plea of guilty. Fine, \$50. (F. & D. No. 27527. I. S. No. 16471.)

This action was based on the interstate shipment of a quantity of canned prunes, samples of which were found to be partially decomposed.

On May 13, 1932, the United States attorney for the District of Oregon, 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 Silverton Food Products Co., a corporation, Silverton, Oreg., alleging that on or about October 11, 1930, the defendant company had delivered to a firm at Corvallis, Oreg., a quantity of canned prunes under a guaranty that the product conformed to the requirements of the food and drugs act, and that on or about October 17, 1930, the product had been shipped by the purchaser thereof in the identical condition as when delivered by defendant, from Corvallis, Oreg., to Nashville, Tenn., and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Cans) "Mountain View Brand Fresh Oregon Prunes."

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

On May 13, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*

19828. Adulteration and misbranding of tomato ketchup. U. S. v. Alvin A. Baumer (Baumer's Food Products Co.). Plea of guilty. Fine, \$5. (F. & D. No. 27568. I. S. No. 26741.)

This action was based on the interstate shipment of a quantity of tomato ketchup, samples of which were found to contain undeclared added starch.

On May 2, 1932, the United States attorney for the Eastern District of Louisiana, 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 Alvin A. Baumer, trading as Baumer's Food Products Co., New Orleans, La., alleging shipment by said defendant in violation of the food and drugs act, on or about May 12, 1931, from the State of Louisiana into the State of Mississippi, of a quantity of tomato ketchup that was adulterated and misbranded. The article was labeled in part: (Bottles) "Tomato Ketchup * * * Baumer's Food Products Co. New Orleans, La."

It was alleged in the information that the article was adulterated in that an added and undeclared substance, to wit, starch, had been substituted in part for tomato ketchup which the article purported solely to be.

Misbranding of the article was alleged for the reason that the statement "Tomato Ketchup," together with the design of red ripe tomatoes, borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement and design represented that the product consisted solely of tomato ketchup, whereas it consisted in part of an added and undeclared substance, to wit, starch.

On May 26, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

HENRY A. WALLACE, *Secretary of Agriculture.*

19829. Adulteration of frozen eggs. U. S. v. L. Claude Henderson (Henderson Produce Co.). Plea of nolo contendere. Fine, \$50. (F. & D. No. 26600. I. S. No. 28339.)

This action was based on the interstate shipment of a quantity of frozen eggs, samples of which were found to be decomposed or sour.

On January 8, 1932, the United States attorney for the Eastern District of Missouri, 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 L. Claude Henderson, a member of a co-partnership trading as the Henderson Produce Co., Monroe City, Mo., alleging shipment by said company on or about August 25, 1930, from the State of Missouri into the State of New

York, in violation of the food and drugs act, of a quantity of frozen eggs that were adulterated. The article was billed as "Frozen Eggs."

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

On May 23, 1932, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*

19830. Adulteration of tomato puree. U. S. v. 1,127 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27646. I. S. No. 12636. S. No. 5685.)

Samples of tomato puree from the shipment involved in this action were found to contain excessive mold.

On January 8, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,127 cases of tomato puree, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 27, 1931, by the Rocky Mountain Packing Corporation from Roy, Utah, to Portland, Oreg., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Gateway Brand Tomato Puree * * * Packed by Perry Canning Co., Perry, Utah."

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

On May 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered by the court ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19831. Adulteration and misbranding of butter. U. S. v. 77 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28266. I. S. No. 48117. S. No. 6109.)

Samples of butter from the shipment involved in this action were found to contain less than 80 per cent by weight of milk fat, the standard for butter provided by Congress.

On April 18, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 77 boxes of butter, remaining in the original unbroken packages at Somerville, Mass., consigned about April 6, 1932, alleging that the article had been shipped in interstate commerce by the R. E. Cobb Co., from Valley City, N. Dak., to Somerville, Mass., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Butter."

It was alleged in the libel that the article was adulterated, in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be.

Misbranding was alleged for the reason that the product was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On April 25, 1932, the First National Stores (Inc.), Somerville, Mass., having appeared as claimant for the property, and having admitted the allegations of the libel, 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 filing of cash bond in the sum of \$700, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act, and all other laws. It was further ordered that the product be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

HENRY A. WALLACE, *Secretary of Agriculture.*

19832. Adulteration of marshmallow candy. U. S. v. 15 Boxes of Brock's Marshmallow Marbles. Default decree of condemnation and destruction. (F. & D. No. 27583. I. S. No. 24248. S. No. 5607.)

This action involved the interstate shipment of a quantity of candy, in which a hard marble was embedded and concealed in each piece.