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.