Ivans Pettit, Burlington, N.J., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about September 15, 1930, from the State of New Jersey into the State of Maryland, of a quantity of canned rhubarb which was misbranded. The article was labeled in part: (Can) "Burlington Brand Rhubarb in Syrup Contents 1 Gallon Packed by Ivans Pettit, Burlington, N.J."

It was alleged in the information that the article was misbranded in that the statement "Contents 1 Gallon", borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than 1 gallon. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 6, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20216. Adulteration of tomato sauce. U.S. v. Scaramelli & Co., Inc. Plea of nolo contendere. Fine, $200. (F. & D. no. 27506. I.S. no. 17256.)

This action was based on the interstate shipment of a quantity of tomato sauce, samples of which were found to contain excessive mold.

On January 25, 1932, 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 the district aforesaid an information against Scaramelli & Co., Inc., Centerville, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 20, 1930, from the State of Maryland into the State of Michigan, of a quantity of tomato sauce which was adulterated. The article was labeled in part: (Can) "Paesana Brand Salsa di Pomidoro * * * Tomato Sauce Guaranteed to Comply with all Pure Food Laws Packed by Paesana Packing Co. New York."

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

On October 5, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20217. Misbranding of vinegar. U.S. v. The Whitehead-Kiesel Co. Jury trial waived. Stipulation admitting misbranding filed. Judgment of guilty. Fine, $100. (F. & D. no. 26557. I.S. nos. 6050, 7051.)

This action was based on the interstate shipment of 61 barrels of vinegar which were found, upon examination, to contain less than the volume declared on the label, 52 gallons.

On August 6, 1931, the United States attorney for the Western District of Kentucky, 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 Whitehead-Kiesel Co., a corporation, Louisville, Ky., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 6, 1930, from the State of Kentucky into the State of Indiana, of a quantity of vinegar that was misbranded. The article was labeled in part: "Whitehead-Kiesel Co. Down Home Brand * * * Vinegar Louisville, Ky., 52 Gal. Net Contents."

It was alleged in the information that the article was misbranded in that the statement, "52 Gal. Net Contents," borne on the barrels, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the barrels contained less than 52 gallons of the said article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 14, 1932, a jury having been waived, the defendant filed a stipulation admitting the material charges of the information, and the court pronounced judgment from the bench and imposed a fine of $100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*