

**19253. Adulteration of tomato catsup. U. S. v. 60 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27296. I. S. No. 31637. S. No. 5477.)**

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 1, 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 60 cases of tomato catsup, remaining in the original unbroken packages at Denver, Colo., consigned by the Smith Canning Co., Smith Siding, Utah, alleging that the article had been shipped on or about October 30, 1930, from West Point, Utah, and had been transported in interstate commerce from the State of Utah into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "West Point Brand Fancy Utah Catsup \* \* \* Packed by West Point Canning Co., West Point, Utah."

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

On January 14, 1932, 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.*

**19254. Adulteration and misbranding of meat scraps and digester tankage. U. S. v. Packer Products Co. Pleas of guilty. Fines, \$560. (F. & D. Nos. 22545, 23729. I. S. Nos. 9365-X, 9366-X, 9367-X, 9368-X, 9370-X, 9371-X, 9373-X, 9374-X, 11964-X, 15661-X, 012901, 012903, 012904, 012905.)**

These actions involved various shipments of stock feed under the trade names of Honeymeade meat scraps, and Porker digester tankage. All shipments of the meat scraps were low in protein, i. e., containing less protein than labeled, and in certain shipments hoof meal and bone meal were found to be present in the article. The digester tankage was found to contain hoof meal, ground leather, or cocoa shells, one or more of these substances being present in all but one of the shipments; 3 of the 10 consignments of tankage were also found low in protein.

On April 17, 1929, the United States attorney for the Northern 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 Packer Products Co., a corporation, Chicago, Ill. On September 12, 1929, a second information was filed against the said defendant. Both informations charged the defendant company with shipping in interstate commerce from Illinois into the States of Indiana and Ohio, in violation of the food and drugs act, on various dates between October 23, 1926 and July 27, 1928, quantities of meat scrap and digester tankage that were misbranded, and the greater portion of which were also adulterated. The articles were labeled in part: "Porker Digester Tankage" or "Honeymeade Meat Scraps." The labels of the articles bore further statements, the material portions of which are hereinafter quoted.

Adulteration was alleged with respect to portions of the said meat scraps for the reason that substances, hoof meal and bone meal, had been substituted in part for meat scraps; in that hoof meal and bone meal had been mixed and packed with the said meat scraps so as to reduce and lower and injuriously affect its quality and strength; and in that hoof and bone meal had been mixed with the article in a manner whereby its damage and inferiority were concealed. Adulteration was alleged with respect to portions of the digester tankage for the reason that substances, namely, hoof meal in one lot, ground leather scraps in certain lots, ground leather scraps and hoof meal in certain lots, and cocoa shells in certain lots, had been substituted for the said article; and in that one or more of said substances had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength. Adulteration was alleged with respect to one lot of the said tankage for the further reason that hoof meal had been mixed with the article in a manner whereby damage and inferiority were concealed.

Misbranding was charged against all shipments of the articles for the reason that certain statements appearing on the tags attached to the bags containing the articles were false and misleading in that the said statements

represented that the articles were composed solely of the ingredients stated on the labels, and that they contained the amount of protein and fat declared, and for the further reason that they were labeled so as to deceive and mislead the purchaser into the belief that they were composed solely of the ingredients stated on the labels and that they contained the amount of protein and fat declared; whereas the various lots of the articles failed to conform to the labels in the following respects: Portions of the said meat scraps were labeled "Packer Products Company, of Chicago, Ill., Guarantees this Honeymeade Meat Scraps to contain not less than \* \* \* 50.0 per cent of crude protein \* \* \* and to be compounded from the following ingredients: Meat and Bone Residue," whereas the article contained less than 50 per cent of crude protein and was compounded in part of hoof meal and bone meal; a portion of the said meat scraps was labeled, "50% Protein Meat Scraps Guaranteed Analysis \* \* \* Protein—50%," whereas it contained less than 50 per cent of protein; a portion of the said digester tankage was labeled, "Packer Products Company, of Chicago, Ill., Guarantees this Porker Brand 60% Protein Digester Tankage to contain not less than \* \* \* 60.0 Per cent of crude protein \* \* \* and to be compounded from the following ingredients: Meat and Bone Residue," whereas the article contained less than 60 per cent of crude protein, and was compounded in part of hoof meal; a portion of the said tankage was labeled, "60% Digester Tankage, Crude Fat 6% Crude Protein 60% \* \* \* Ingredients Meat and Bone Residue," whereas it contained less than 60 per cent of crude protein, less than 6 per cent of crude fat and was composed in part of hoof meal and cocoa shells; portions of the tankage were labeled, "Digester Tankage \* \* \* Ingredients Meat & Bone Residue," whereas they were composed in part of other substances, namely, ground leather scraps, cocoa shells or ground leather scraps and hoof meal; portions were labeled, "Packer Products Company, \* \* \* Guarantees this \* \* \* Digester Tankage \* \* \* to be compounded from the following ingredients: Meat and Bone Residue," whereas it was composed in part of ground leather scraps, and a portion of the said tankage was labeled, "60% Digester Tankage Guaranteed Analysis \* \* \* Crude Protein 60% \* \* \* Ingredients Meat & Bone Residue," whereas it contained less than 60 per cent of crude protein, and was composed in part of ground leather scraps.

On March 8, 1932, a plea of guilty to each information was entered on behalf of the defendant company, and the court imposed a fine of \$360 in one case and \$200 in the other.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19255. Misbranding of canned peas. U. S. v. 1,500 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27210. I. S. No. 40300. S. No. 5372.)**

Samples of canned peas from the shipment herein described were found to fall below the legal standard for the article, in that they did not have the normal flavor of canned peas and contained an excessive proportion of hard peas.

On November 3, 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 a libel praying seizure and condemnation of 1,500 cases of canned peas, remaining in the original and unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about September 12, 1931, by the Wabash Canning Corporation, from Wabash, Ind., and had been transported in interstate commerce from the State of Indiana into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "White Cloud Brand \* \* \* Early June Peas \* \* \* Packed \* \* \* by the Wabash Canning Corporation, Wabash, Ind."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it was not normally flavored and contained an excessive amount of hard peas, and the packages or labels did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On February 25, 1932, the Wabash Canning Corporation, Wabash, Ind., claimant, having filed a written appearance and answer admitting all the