

court an information against Edvild L. Dyre, trading as Dixie Creamery at Madison, Fla., alleging that on or about August 9, 1935, the defendant had shipped from the State of Florida, into the State of Georgia, a quantity of butter, and that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Southern Gold Creamery Butter * * * Elgin Butter Company Jacksonville, Fla."

The article was alleged to be adulterated in that a product deficient in milk fat, in that it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat; and in that said article consisted in part of filthy animal substance due to mold and contaminants.

The article was alleged to be misbranded in that the statement "Butter", borne on said cartons, was false and misleading, and in that the said article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, i. e., a product containing not less than 80 percent of milk fat as defined by law; whereas it was not butter as so defined, but was a product containing less than 80 percent of milk fat.

On March 16, 1936, a plea of guilty was entered on behalf of the defendant. Imposition of sentence was suspended and the defendant was placed on probation for a period of 5 years.

W. R. GREGG, *Acting Secretary of Agriculture.*

25717. Adulteration of canned crab meat. U. S. v. Charles A. Loockerman, trading as C. A. Loockerman. Plea of guilty. Fine, \$225 and costs. (F. & D. no. 36954. Sample nos. 42100-B, 42102-B, 55355-A.)

This case involved a shipment of crab meat that consisted in part of a filthy animal substance.

On March 11, 1936, the United States attorney for the District of Maryland, acting upon report by the Secretary of Agriculture, filed in the district court an information against Charles A. Loockerman, trading as C. A. Loockerman, at Crisfield, Md., alleging that on or about July 23, July 24, and August 1, 1935, the defendant had shipped from the State of Maryland into the States of New Jersey and Pennsylvania, respectively, a number of cans of crab meat and charging that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Regular Contents 1 Lb. Net Lift While Turning"; "Lift While Turning Contents 1 Lb. Net M D 191." (Some cans bore the word "regular" and others, the word "special.")

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance due to pollution by fecal *Bacillus coli*.

On April 24, 1936, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$225 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

25718. Adulteration of canned salmon. U. S. v. Al Jones (Kustatan Packing Co.). Plea of guilty. Fine, \$15 and costs. (F. & D. no. 36960. Sample nos. 37977-B, 37987-B, 37994-B, 40407-B.)

This case involved a shipment of canned salmon that was in part decomposed.

On April 27, 1936, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Al Jones, trading as Kustatan Packing Co. at Anchorage, Alaska, alleging that on or about July 10, 1935, the defendant had shipped from Alaska into the State of Washington, a number of unlabeled cans of salmon, and that the article was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of decomposed animal substance.

On July 22, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$15 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

25719. Adulteration of tomato juice. U. S. v. 50 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. & D. no. 37127. Sample no. 49263-B.)

This case involved an interstate shipment of canned tomato juice which was found to contain mold and to be in part decomposed.

On January 28, 1936, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 50 cases of canned tomato juice at Tulsa, Okla., alleging that the article had been shipped in interstate commerce, on or about October 17, 1935, by the Robinson Canning Co., from Siloam Springs, Ark., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "King of Ozarks Brand Tomato Juice Contents 10 Fl. Oz. Packed by Robinson Canning Co. Robinson, Ark."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25720. Misbranding of canned peas. U. S. v. 20 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 37129. Sample no. 44022-B.)

This case involved an interstate shipment of canned peas which fell below the standard established by the Department of Agriculture because of the presence of an excessive proportion of ruptured peas, and the product was not labeled to indicate that it was substandard.

On January 31, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of canned peas at Providence, R. I., alleging that the article had been shipped in interstate commerce, on or about January 13 and 16, 1936, by the Leavitt Sugar Co., Inc., from Cambridge, Mass., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "Ray Brand Early June Peas Contents 1 lb. 4 oz. Packed for Frederick City Packing Co. Frederick, Maryland."

The article was alleged to be 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, for the reason that the peas were not immature, since more than 25 percent thereof were ruptured, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25721. Adulteration and misbranding of alleged blackberry wine. U. S. v. 25 Bottles and 14 Bottles of Alleged Blackberry Wine. Default decree of condemnation. Product delivered to the Secretary of the Treasury for disposal according to law. (F. & D. nos. 37131, 37132. Sample nos. 51174-B, 51175-B.)

These cases involved interstate shipments of so-called blackberry wine which was artificially colored grape wine, containing little or no blackberry flavor, and a portion of which contained a lower percentage of alcohol than that represented on the label.

On January 30, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, two libels, one praying seizure and condemnation of twenty-five 1-gallon bottles, and the other, fourteen 1-gallon bottles of so-called blackberry wine, at Washington, D. C., alleging that the articles had been shipped in interstate commerce on or about November 27 and December 23 and 27, 1935, by Miglioretti Bros., from Baltimore, Md., and that the articles were adulterated and misbranded in violation of the Food and Drugs Act. The article in the lot of 25 bottles was labeled: "A product of California Native Blackberry Type A natural fermented Wine Bottled from tax paid goods by Miglioretti Bros. Baltimore, Md." The article in the lot of 14 bottles was labeled: "A product of California Native Blackberry A natural fermented Wine Bottled from tax paid goods by Miglioretti Bros., Baltimore, Md. Alcohol Strength not over 14%, nor under 11% by volume."

The article in the lot of 25 bottles and in the lot of 14 bottles was alleged to be adulterated (a) in that an artificially colored grape wine containing little or no blackberry flavor had been substituted for blackberry wine, which the article purported to be, and (b) in that the article had been mixed and colored in a manner whereby inferiority was concealed.