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

On December 3, 1935, the defendant having entered a plea of guilty, a fine of $50 was imposed. Payment of fine was suspended and the defendant was placed on probation for 3 years. On December 19, 1935, the judgment was set aside and the defendant was fined $50.

M. L. WILSON, *Acting Secretary of Agriculture.*

25431. Adulteration of canned tomato puree. U. S. v. L. Frank Cook and Mallie F. Cook (Marysville Packing Co.). Plea of guilty. Fine, $25. (F. & D. no. 35953. Sample nos. 3277–B, 3278–B, 3288–B, 3289–B, 3290–B, 3292–B, 3293–B, 3294–B, 19608–B, 19611–B to 19615–B, incl.)

This case was based on interstate shipments of canned tomato puree that contained excessive mold.

On October 2, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against L. Frank Cook and Mallie F. Cook, trading as the Marysville Packing Co., Marysville, Ind., alleging shipment by said defendants in violation of the Food and Drugs Act, between the dates of August 20 and October 7, 1934, from the State of Indiana into the State of Kentucky of quantities of canned tomato puree which was adulterated. The article was labeled in part: "B. & O. Brand * * * Tomato Puree Packed by Marysville Packing Co., Marysville, Ind."

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

On October 11, 1935, a representative of the Marysville Packing Co., having authority to enter a plea for the company, entered a plea of guilty and the court imposed a fine of $25.

M. L. WILSON, *Acting Secretary of Agriculture.*

25432. Misbranding of preserves, marmalade, jellies, and grape jam. U. S. v. 77 Cases of Preserves, et al. Default decree of condemnation. Products delivered to charitable institution. (F. & D. no. 36212. Sample nos. 35912–B to 35925–B, incl., 38451–B.)

This case involved preserves, jellies, etc., which were short in weight.

On September 4, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 151 cases containing preserves, jellies, grape jam, and marmalade, at Denver, Colo., consigned by the Sanitary Food Manufacturing Co., Minnesota Transfer, Minn., alleging that the articles had been shipped in interstate commerce between the dates of June 28 and July 27, 1935, from the State of Minnesota into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled: "Brown's J. S. B. Brand * * * Packed for the J. S. Brown Mercantile Co., Denver, Colo.", together with the quantity of the contents and the variety.

The articles were alleged to be misbranded in that the statements on the labels, "2 Lb. Net", "14 Oz. Net", "13½ Oz. Net", and "1 Lb. Net", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the package, since the quantities stated were not correct.

On October 15, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

25433. Adulteration and misbranding of butter. U. S. v. 8 Cartons of Butter, and other actions. Decrees of condemnation. Portion of product released under bond; remainder destroyed. (F. & D. nos. 36296, 36297, 36387, 36388, 36394. Sample nos. 31056–B, 31063–B, 31079–B, 31080–B, 37471–B.)

These cases involved several lots of butter, samples of which were found to contain mold or filth. Samples taken from one of the lots were also found deficient in milk fat.

On August 10, August 23, and August 30, 1935, the United States attorneys for the Middle and the Western Districts of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 250 cartons and 26 tubs of butter at