

into the State of New Jersey; and on or about January 19, 1934, from the State of New York into the State of Connecticut of quantities of preserves which were adulterated and misbranded. The articles were labeled, variously: "Filagree Brand Pure Raspberry [or "Strawberry" or "Blackberry"] Preserves * * * Packed for Hudson Wholesale Grocery Co. Jersey City, N. J. Scotch Lassie Pure Loganberry [or "Blackberry" or "Raspberry"] Preserves * * * Avondale Preserve Co. Inc. New York. National Pure Preserve Loganberry [or "Strawberry", "Raspberry", "Cherry", or "Apricot"] * * * Manufactured by National Kream Co. Inc. New York, N. Y."

The articles were alleged to be adulterated in that substances, i. e., excess sugar, added undeclared pectin, added undeclared tartaric acid, and in some instances excess moisture, i. e., water which should have been removed in the process of manufacture, had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality. Adulteration was alleged for the further reason that products containing added pectin, added tartaric acid, and more sugar and less fruit than is contained in pure fruit preserves and, in certain instances, containing excess moisture had been substituted for the said articles. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Pure Raspberry Preserves", "Pure Strawberry Preserves", "Pure Blackberry Preserves", "Pure Loganberry Preserves", "Pure Preserve Loganberry", "Pure Preserve Strawberry", "Pure Preserve Raspberry", "Pure Preserve Cherry", and "Pure Preserve Apricot", borne on the labels, were false and misleading and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser since they were not pure fruit preserves but were products containing undeclared pectin, undeclared tartaric acid, excess sugar, and less fruit than pure fruit preserves contain. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On November 26, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed fines totaling \$175 on certain counts of the information. Fines of \$200 imposed on each of the remaining five counts of the information were ordered suspended.

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

25235. Adulteration of olives. U. S. v. 50 Barrels of Olives. Default decree of condemnation and destruction. (F. & D. no. 35397. Sample no. 12953-B.)

This case involved a shipment of olives which were in large part moldy.

On April 22, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 barrels of olives at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 19, 1935, by the V. R. Smith Olive Co., Lindsay, Calif., from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From V. R. Smith Olive Co., Lindsay, Calif."

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

On October 7, 1935, 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.*

25236. Adulteration of packing-stock butter. U. S. v. 5 Tubs of Packing-Stock Butter. Default decree of condemnation and destruction. (F. & D. no. 35785. Sample no. 33635-B.)

This case involved a shipment of packing-stock butter which contained less than 80 percent of milk fat.

On July 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five tubs of packing-stock butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 16, 1935, by the Gateway Farmers Creamery Co., from LaCrosse, Wis., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product