25307. Adulteration of tomato catsup. U. S. v. John S. Mitchell, Inc. Plea of guilty. Fine, $25. (F. & D. no. 35910. Sample no. 22817–B.)

This case was based on a shipment of tomato catsup 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 John S. Mitchell, Inc., Windfall, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 26, 1934, from the State of Indiana into the State of Minnesota of a quantity of tomato catsup that was adulterated. The article was labeled in part: "Carol Brand Tomato Catsup Winston and Newell Co. Minneapolis."

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

On October 19, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $25.

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

25308. Adulteration of tomato puree. U. S. v. Noblesville Canning Co., Inc. Plea of guilty. Fine, $25. (F. & D. no. 35911. Sample nos. 28056–B, 28057–B.)

This case involved a shipment 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 the Noblesville Canning Co., Inc., a corporation, Noblesville, Ind., alleging shipment by said company under the name of the Dugger-Van Zant Packing Co., on or about October 12 and October 15, 1934, from the State of Indiana into the State of Missouri of a quantity of canned tomato puree which was adulterated in violation of the Food and Drugs Act.

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

On October 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25.

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

25309. Adulteration of apple butter. U. S. v. Preserves & Honey, Inc. Plea of nolo contendere. Fine, $100 and costs. (F. & D. no. 35913. Sample no. 2452–B.)

This case was based on an interstate shipment of apple butter which contained mold and parts of insects.

On September 4, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Preserves & Honey, Inc., trading at St. Louis, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 27, 1934, from the State of Missouri into the State of Illinois a quantity of apple butter which was adulterated. The article was labeled in part: "Shady Dell Brand Pure Apple-Butter * * * The Best-Clymer Co., St. Louis, Mo."

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

On November 16, 1935, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

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

25310. Misbranding of canned cherries. U. S. v. National Fruit Canning Co. Plea of guilty. Fine, $300 and costs. (F. & D. no. 35916. Sample no. 647–B.)

This case was based on a shipment of canned cherries which were substandard because of the presence of excessive pits and which were not labeled to indicate that they were substandard.

On September 25, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Fruit Canning Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about March 1, 1935, from the