21884. Adulteration and misbranding of grape jelly. U. S. v. Frank C. Gibbons, Sr., and Averell S. Gibbons (Frank C. Gibbons Sons Co.). Pleas of guilty. Fines, $50. (F. & D. no. 29461. I.S. no. 17079.)

This case was based on an interstate shipment of imitation grape jelly that consisted of fruit juice, sugar, and added water, jelled by added pectin. The flavor was augmented by added acid.

On May 12, 1933, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank C. Gibbons, Sr., and Averell S. Gibbons, copartners, trading as the Frank C. Gibbons Sons Co., Maryville, Tenn., alleging shipment by said defendants, on or about August 22, 1931, from the State of Tennessee into the State of Alabama, of a quantity of grape jelly that was adulterated and misbranded. The article was labeled in part: "Knox—Pure Grape Jelly Frank C. Gibbons Sons Co. Maryville, Tenn."

It was alleged in the information that the article was adulterated in that a mixture of pectin, sugar solution, and acid had been mixed and packed with it so as to reduce and lower and injuriously affect its quality, and had been substituted for pure grape jelly, which the article purported to be. Adulteration was alleged for the further reason that the article had been mixed with pectin, sugar solution, and acid in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Pure Grape Jelly", borne on the jar label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not pure grape jelly. Misbranding was alleged for the further reason that the article was an imitaton of grape jelly.

On January 16, 1934, the defendant entered pleas of guilty, and the court imposed fines totaling $50.

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

21885. Adulteration and misbranding of butter. U. S. v. The R. E. Cobb Co. Plea of guilty. Fine, $10. (F. & D. no. 29465. Sample no. 48117.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 12, 1933, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. E. Cobb Co., a corporation, trading at Valley City, N.Dak., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 6, 1932, from the State of North Dakota into the State of Massachusetts, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Boxes) "Brookside Creamery Roll Butter First National Stores, Inc."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On January 27, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $10.

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

21886. Adulteration of celery. U. S. v. Manatee County Growers Assoc. Plea of nolo contendere. Judgment of guilty. Fine, $50. (F. & D. no. 29472. I.S. no. 52062.)

This action was based on an interstate shipment of celery that was found to bear arsenic in an amount that might have rendered the article injurious to health.

On November 2, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Manatee County Growers Association, a corporation, Bradenton, Fla., alleging shipment by said company on or about January 28, 1932, in violation of the Food and Drugs Act, from the State of Florida into the State of Illinois, of a quantity of celery that was adulter-