

21603. Adulteration and misbranding of terpeneless lemon flavor with citral. U. S. v. Thomson & Taylor Co. Plea of guilty. Fine, \$10. (F. & D. no. 29469. I. S. no. 39541.)

This case was based on a shipment of a product which was represented to be terpeneless lemon flavor with citral but which was found to consist of an imitation lemon extract deficient in citral and alcohol.

On March 30, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Thomson & Taylor Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 19, 1932, from the State of Illinois into the State of West Virginia, of a quantity of terpeneless lemon flavor with citral that was adulterated and misbranded. The article was labeled in part: (Jug) "Crown Brand Terpeneless Lemon Flavor with Citral, Manufactured by Thomson & Taylor Company, Chicago, Ill."

It was alleged in the information that the article was adulterated in that a product deficient in alcohol and citral had been substituted for terpeneless lemon flavor with citral, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Terpeneless Lemon Flavor With Citral", borne on the jug 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 terpeneless lemon flavor with citral, but was an imitation substandard lemon extract deficient in alcohol and citral. Misbranding was alleged for the further reason that the article was an imitation of another article.

On December 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

21604. Adulteration and misbranding of canned mustard greens. U. S. v. 72 Cases of Canned Mustard Greens. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30810. Sample no. 42730-A.)

This case involved an interstate shipment of canned mustard greens that were infested with bugs, worms, gnats, and cocoons. Sample cans taken from the shipment were also found to contain less than the declared weight.

On August 4, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 cases of canned mustard greens at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about April 20 and June 1, 1933, by the Thrift Packing Co., from Dallas, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Thrift Brand Mustard Greens, Contents 1 lb. 3 ozs."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the statement on the label, "1 lb. 3 ozs.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On October 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

21605. Adulteration of blueberries. U. S. v. 10½ Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31122. Sample no. 55467-A.)

This case involved an interstate shipment of blueberries that were found to contain filth.

On August 31, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10½ crates of blueberries at Philadelphia, Pa., alleging that the article had been shipped in

interstate commerce on or about August 29, 1933, by Frank M. Tucker, from Cherryfield, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy animal (vegetable) substance.

On September 29, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

21606. Adulteration of canned frozen eggs. U. S. v. Hanna Poultry & Egg Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 30303. Sample nos. 11007-A, 11008-A.)

This case was based on an interstate shipment of frozen eggs that were found to be in part decomposed.

On October 30, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hanna Poultry & Egg Co., a corporation, Atchison, Kans., alleging shipment by said company, under the name of Friebe & Sons, Inc., on various dates between April 7 and April 19, 1931, from the State of Kansas into the State of Missouri, of quantities of frozen eggs that were adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Distributed by Standard Brands Incorporated New York City Fleischmann's Spring Laid Whole Eggs."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On November 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

21607. Adulteration of butter. U. S. v. The George Freese's Sons Co. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. no. 29448. I. S. no. 38842.)

This case was based on an interstate 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 March 7, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the George Freese's Sons Co., a corporation, Fostoria, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about September 24, 1931, from the State of Ohio into the State of Massachusetts, of a quantity of butter that was adulterated. The article was labeled in part: "From Geo. Freese's Sons Fostoria, O."

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

On October 9, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

21608. Alleged adulteration and misbranding of butter. U. S. v. North Idaho Cooperative Creamery and Joe Smith. Tried to a jury. Verdict of not guilty. (F. & D. no. 29508. Sample nos. 1327-A, 1506-A, 1509-A, 1510-A, 1517-A, 1528-A, 1529-A, 1712-A.)

This case was based on interstate shipments of butter charged to be below the legal standard. One of the shipments was also charged to be short weight.

On August 2, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the North Idaho Cooperative Creamery, a corporation, Lewiston, Idaho, and Joe Smith, of Lewiston, Idaho, alleging shipment by said defendants between the dates of April 14, 1932, and May 13, 1932, from the State of Idaho into the State of Washington, of quantities of butter which