

of the contents was not complied with, since the statement of weight was incorrect.

On July 8, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frye & Co., a corporation, trading at Portland, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 24, 1932, from the State of Oregon into the State of Washington, of a quantity of butter which was misbranded. The article was labeled in part: (Package) "Weight One Pound."

It was alleged in the information that the article was misbranded in that the statement, "Weight One Pound", borne on the label, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound of butter. 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.

On July 8, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

21320. Adulteration of canned salmon. U. S. v. North Coast Packing Company. Plea of guilty. Fine, \$50. (F. & D. no. 27531. I.S. nos. 22360 to 22363, incl.)

This case involved interstate shipments of canned salmon, samples of which were found to be tainted or stale.

On October 31, 1932, 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 North Coast Packing Co., a corporation, Seattle, Wash., alleging shipments by said company in violation of the Food and Drugs Act, on or about July 30 and August 12, 1931, from the Territory of Alaska into the State of Washington, of quantities of canned salmon that was adulterated.

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

On July 10, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

21321. Adulteration and misbranding of Phrosto Lemon & Lime Sirup, Phrosto Orange-All, and Phrosto Fruit Punch. U. S. v. Samuel C. Clayton. Plea of nolo contendere. Fine, \$25. (F. & D. no. 28160. I.S. nos. 38157, 38158, 38161.)

This case was based on an interstate shipment of products represented to be lemon and lime, and orange, fruit juice flavored sirups, which consisted of sirups containing small amounts of fruit juices, with the flavor derived mainly from essential oils; also of a shipment of a product called, "Fruit Punch", which consisted of an artificially flavored imitation fruit sirup containing added benzaldehyde.

On March 18, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel C. Clayton, Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 29, 1931, and July 22, 1931, from the State of Massachusetts into the State of Connecticut, of quantities of fruit sirups which were adulterated and misbranded. The articles were labeled in part: (Cases) "Lem-Lime Phrosto Fruit Juice Syrup", "Orange Phrosto Fruit Juice Syrup", "F. Punch Fruit Juice Syrup", (jugs) "Phrosto Lemon & Lime [or "Orange-All" or "Fruit Punch"] A Pure Fruit Juice Flavored Syrup. * * * Manufactured By S. C. Clayton Co., Boston, Mass."

Adulteration of the lemon and lime and the orange products was alleged in the information for the reason that substances, essential oil-flavored sirups, deficient in fruit juices, had been substituted for pure lemon and lime, and orange, fruit juice flavored sirups, which the articles purported to be. Adulteration of the fruit punch was alleged for the reason that an artificially flavored imitation fruit sirup had been substituted for fruit punch, a pure fruit juice flavored sirup, which the article purported to be. Adulteration of the fruit punch was

alleged for the further reason that the article had been mixed with an added undeclared artificial flavor, benzaldehyde, in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that certain statements on the labels were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the statements, "Lemon-Lime * * * Fruit Juice Syrup", "Orange * * * Fruit Juice Syrup", and "F. Punch Fruit Juice Syrup", borne on the cases, represented that the articles were fruit juice syrups, and the statements, "Lemon & Lime A Pure Fruit Juice Flavored Syrup", "Orange-All A Pure Fruit Juice Flavored Syrup", "Fruit Punch A Pure Fruit Juice Flavored Syrup", borne on the jugs, represented that the articles were fruit juice flavored syrups, whereas the lemon and lime and the orange products were deficient in fruit juices and the so-called fruit punch was an artificially flavored imitation fruit sirup and not so labeled. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding of the fruit punch was alleged for the further reason that the article was an imitation of another article.

On July 17, 1933, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

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

21322. Misbranding of canned tuna fish. U. S. v. 96 Cases of Canned Tuna Fish in Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 27711. I.S. no. 43851. S. no. 5797.)

This case involved a shipment of canned tuna that was labeled to convey the impression that it was a foreign product, whereas it was of domestic origin.

On February 3, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on March 8, 1933, an amended libel, praying seizure and condemnation of 96 cases of canned tuna at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about October 30, 1931, by the Uddo-Taormina Corporation, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Il Progresso Brand Tuna Fish Marca Il Progresso Tonno All'Olio D'Oliva."

It was alleged in the libel as amended that the article was misbranded in that it purported to be a foreign product, as indicated by the label appearing on the cans, whereas it was a domestic product.

On July 10, 1933, the Uddo-Taormina Corporation, Brooklyn, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

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

21323. Adulteration of butter. U. S. v. 155 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30851. Sample no. 46805-A.)

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 or about July 10, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 155 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 23, 1933, by the Calhoun County Cooperative Creamery, from Bruce, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance 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.

On July 18, 1933, the Calhoun County Cooperative Creamery, Bruce, Miss., having appeared as claimant for the property and having admitted the allega-