

payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled in part: "Water 50% Tomatoes 50% \* \* \* These tomatoes were canned with an additional equal amount of water. Packed by Davis Canning Co. Laurel Del. Canned Tomatoes Should Be Packed In Their Own Juice Without Added Water."

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

**13166. Misbranding of meat scrap. U. S. v. the American Agricultural Chemical Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 19336. I. S. No. 16015-v.)**

At the December, 1924, term of the United States District Court, within and for the District of Maryland, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the American Agricultural Chemical Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act, on or about March 14, 1924, from the State of Maryland into the State of Pennsylvania, of a quantity of meat scrap which was misbranded. The article was labeled in part: "Protox Pure Ground Meat Scraps \* \* \* The American Agricultural Chemical Company AA Quality Guaranteed Analysis Protein 55%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 47.42 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 55%," borne on the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 55 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein, whereas, in truth and in fact, it did contain less than 55 per cent of protein, to wit, approximately 47.42 per cent of protein.

On March 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

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

**13167. Adulteration of butter. U. S. v. 16 Cubes of Butter. Product reconditioned and released to claimant. (F. & D. No. 19054. I. S. No. 11697-v. S. No. W-1576.)**

On or about September 9, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Farmers Cooperative Creamery Co., Payette, Idaho, on or about August 6, 1924, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and for the further reason that a valuable constituent of the article, milk fat, had been partially abstracted therefrom.

On December 10, 1924, the Farmers Cooperative Creamery Co., Payette, Idaho, having appeared as claimant for the property and the product having been reconditioned to conform with the law, an order of the court was entered, providing that the product be released to the claimant upon payment of the costs of the proceedings and that the bond theretofore filed be exonerated.

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

**13168. Adulteration of canned sardines. U. S. v. 11½ Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19461. I. S. No. 13208-v. S. No. E-5051.)**

On January 9, 1925, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11½ cases of sardines, at Troy, N. Y., alleging that the article had been shipped by the Seacoast Canning Co., Eastport, Me., on or about September 16, 1924, and transported from the State of Maine into the

State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Neptune Brand American Sardines In Cotton Seed Oil Seacoast Canning Co. Eastport, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 3, 1925, 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.

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

**13169. Adulteration of butter. U. S. v. 31 Tubs and 34 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reprocessed.** (F. & D. Nos. 19834, 19851. I S. Nos. 23134-v, 23137-v. S. Nos. C-4648, C-4657.)

On February 11 and 17, 1925, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 65 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Twin City Creamery Co., from Minneapolis, Minn., in part February 6 and in part February 11, 1925, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On March 18, 1925, the cases having been consolidated into one action and the Twin City Creamery Co., Minneapolis, Minn., claimant, having admitted the allegations of the libels 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of milk fat.

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

**13170. Adulteration and misbranding of tomato sauce and tomato pulp. U. S. v. 50 Cases of Tomato Sauce and Tomato Pulp. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19487. I. S. No. 13457-v. S. No. E-4905.)

On January 12, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of tomato sauce and tomato pulp, consigned from San Francisco, Calif., remaining in the original unbroken packages at New York N. Y., alleging that the article had been shipped by the Greco Canning Co., on or about November 26, 1924, in interstate commerce, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Sauce" (or "Pulp") "Packed By Greco Canning Co. San Jose \* \* \* Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially-colored tomato paste, or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce" or "Tomato Pulp," as the case might be, borne on the labels, was false and misleading and deceived and misled the purchaser.

On March 19, 1925, Charles F. Martorelli, New York, 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 said claimant