

15637. Adulteration and misbranding of butter. U. S. v. Tremonton Dairy Products Co. Plea of guilty. Fine, \$50. (F. & D. No. 22536. I. S. Nos. 10931-x, 12793-x, 12795-x, 17202-x.)

On December 15, 1927, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tremonton Dairy Products Co., a corporation, Tremonton, Utah, alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about March 24, March 29, July 9, July 12, and July 19, 1927, respectively, from the State of Utah into the State of California, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Tremonton Dairy Products Co. Tremonton, Utah, Butter."

It was alleged in the information that the article was adulterated in that a substance purporting to be butter, but which was not butter in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by law.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the boxes containing the article, was false and misleading in that the said statement represented the said article to be butter, to wit, a product containing not less than 80 per cent by weight of milk fat as defined and required by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, whereas, it was not butter in that it contained less than 80 per cent by weight of milk fat.

On January 4, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15638. Adulteration of figs. U. S. v. 25 Cases of Black Figs, et al. Default order of destruction entered. (F. & D. No. 22019. I. S. Nos. 17020-x, 17021-x. S. No. 53.)

On August 11, 1927, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cases of black figs and 10 cases of white figs, remaining in the original unbroken packages at Ogden, Utah, consigned by Guggenhime & Co., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., on or about June 24, 1927, and had been transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Croesus Brand California Standard Black Figs, Guggenhime & Company, California," or "Daphne Brand California Choice White Figs * * * Guggenhime & Company."

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

On December 15, 1927, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15639. Adulteration and misbranding of canned corn. U. S. v. 246 Cases, et al., of Canned Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22380. I. S. Nos. 19826-x, 19827-x, 19828-x. S. No. 446.)

On January 19, 1928, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 839 cases of canned corn, remaining in the original packages at Covington, Ky., consigned October 19, 1927, alleging that the article had been shipped by Carroon & Co., Fowler, Ind., and transported from the State of Indiana into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, in part, variously: "Recall Country Gentleman Sugar Corn, * * * Carroon and Company, Fowler, Ind.;" "Idyl Brand Country Gentleman Corn * * * Covington, Ky.;" or "Carroon's Fancy Country Gentleman Sugar Corn, Extra Selected, * * * Packed by Carroon & Company, Inc., Fowler, Ind."

It was alleged in the libel that the article was adulterated in that a substance, to wit, field corn, had been substituted in part for the article, and had been

mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, "Country Gentleman Sugar Corn," and "Country Gentleman Corn," borne on the respective labels, were false and misleading and deceived and misled the purchaser.

On February 1, 1928, Carroon & Co., Fowler, Ind., 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 upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, conditioned in part that it be relabeled under the supervision of this department, as follows, "Sugar Corn and Field Corn," the words "Recall Country Gentleman Sugar Corn," "Idyl Brand Country Gentleman Sugar Corn," and "Fancy Country Gentleman Sugar Corn, Extra Selected," not to appear on the labels of the said article as relabeled.

W. M. JARDINE, *Secretary of Agriculture.*

15640. Misbranding of linseed meal. U. S. v. 64 Bags of Linseed Meal. Consent order of release entered. (F. & D. No. 22353. I. S. No. 20598-x. S. No. 413.)

On January 9, 1928, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 64 bags of linseed meal, remaining in the original unbroken packages at Millersburg, Pa., alleging that the article had been shipped by the Mann Bros. Co., from Buffalo, N. Y., on or about October 31, 1927, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Min. Protein 34% * * * The Mann Brothers Co., Buffalo, N. Y. * * * Pure Old Process Linseed Meal."

It was alleged in the libel that the article was misbranded, in that the statement, "Guaranteed analysis min protein 34 percent," borne on the label, was false and misleading and deceived and misled the purchaser.

On January 16, 1928, the Millersburg Milling Co., Millersburg, Pa., claimant, having admitted the allegations of the libel and having consented that an order of condemnation and forfeiture be entered, a decree was entered ordering that the product be destroyed, said decree providing, however, that the claimant be allowed to relabel the product, with the understanding that it be relabeled, stating the protein content thereof, and that it not be sold or disposed of until examined by an inspector of this department and released by said inspector, all costs to be paid by the claimant.

W. M. JARDINE, *Secretary of Agriculture.*

15641. Adulteration of tomato pulp. U. S. v. 6431 Cans of Tomato Pulp. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22062. I. S. Nos. 13295-x, 13296-x. S. No. 88.)

On September 16, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6431 cans of tomato pulp, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Greencastle Canning Co., from Greencastle, Ind., in two consignments, on or about July 13 and July 15, 1927, respectively, and had been transported from the State of Indiana into the State of Maryland, 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 in part of a filthy, decomposed, and putrid vegetable substance.

On January 14, 1928, the Greencastle Canning Co., Greencastle, Ind., having appeared as claimant for the property, 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 \$2,500, conditioned in part that it be salvaged and reconditioned so as to conform with the law.

W. M. JARDINE, *Secretary of Agriculture.*