

On June 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 377 cases each containing 200 tins, and 98 cases each containing 100 tins of tomato paste, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Bisceglia Bros., San Jose, Calif., on or about April 21, 1931, and had been transported from the State of California into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pastene Brand Tomato Paste Pastene Purity Brand Salsa Packed for Pastene Products Co., New York, Boston, Naples."

It was alleged in the libel that the article was adulterated in that artificially colored tomato paste had been substituted for the said article.

Misbranding was alleged for the reason that the statement, "Tomato Paste Salsa," and the design of a red ripe tomato on the label were false and misleading, and deceived and misled the purchaser when applied to an article artificially colored.

Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 31, 1931, William E. Clapp, Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, 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 costs and the execution of a bond in the sum of \$6,800, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act or other existing laws. It was further ordered by the court that the product be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18802. Adulteration and misbranding of butter. U. S. v. 71 Cases, et al., of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 27137. I. S. Nos. 35054, 35055, 35056. S. No. 4892.)

Examination of samples of print and tub butter from the shipment herein described showed that the print butter was short weight and that the tub butter contained less than 80 per cent of milk fat, the standard provided by Congress.

On or about June 22, 1931, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 84 cases of print butter and 5 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Lange Creamery Co., Salina, Kans., on or about June 8, 1931, and had been transported from the State of Kansas into the State of Louisiana, and charging adulteration and misbranding with respect to the tub butter, and misbranding with respect to the print butter, in violation of the food and drugs act as amended. A portion of the print butter was labeled in part: (Carton) "Pet Brand Butter—Quarters—Pet Butter Churned for the discriminating public under the supervision of Gerde, Newman & Co. One Pound Net." The remainder of the print butter was labeled in part: (Carton) "1 Lb. Net Weight."

It was alleged in the libel that the tub butter was adulterated in that a substance deficient in milk fat had been substituted for butter, which the article purported to be, and in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of the said tub butter was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat; and for the further reason that it was sold under the distinctive name of another article. Misbranding was alleged with respect to the print butter for the reason that the statements, "One Pound Net" and "1 Lb. Net Weight," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser; and 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 packages, since the quantity stated on the packages was not correct.

On June 27, 1931, Gerde, Newman & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reshipped to the Lange Creamery Co., Kansas City, Mo., and there reworked and reconditioned, under the supervision of this department, so that it comply with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18803. Adulteration and misbranding of butter. U. S. v. 315 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 24984. I. S. No. 034934. S. No. 3238.)**

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On July 1, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 315 tubs of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Swift & Co., from Mount Vernon, Ill., on or about May 23, 1930, and had been transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act.

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

Misbranding was alleged for the reason that the article was labeled butter, and should have contained not less than 80 per cent by weight of milk fat as prescribed by said act.

Swift & Co., Chicago, Ill., entered an appearance and claim of ownership, praying delivery of the product; filed a bond in the sum of \$2,500, and consented to the entry of a decree. On July 26, 1930, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the claimant for reshipment to its plant at Mount Vernon, Ill., that it be reconditioned under the supervision of this department so that it would not violate the provisions of the Federal food and drugs act, and that it be released when so reconditioned.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18804. Misbranding of cottonseed cake screenings. U. S. v. 600 Sacks of Cottonseed Cake Screenings. Consent decree of condemnation. Product released under bond. (F. & D. No. 27118. I. S. No. 23806. S. No. 4922.)**

Certain sacks of cottonseed cake screenings from the shipment herein described having been examined and found to contain less than 100 pounds of the article, the weight declared on the label, the matter was reported to the United States attorney for the District of Kansas, by an official of the Kansas State Board of Agriculture.

On or about June 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 600 sacks of the said cottonseed cake screenings, remaining in the original unbroken packages at Morris, Kans., alleging that the article had been shipped by R. L. Hefin (Inc.), Sherman, Tex., on or about May 9, 1931, and had been transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Pounds Net \* \* \* Feeders Supply & Mfg. Co., K. C. Mo."

It was alleged in substance in the libel that the article was misbranded in that the sacks were represented to contain 100 pounds net weight, whereas they contained less than 100 pounds net weight.

On June 25, 1931, R. L. Hefin & Co. (Inc), Sherman, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execu-