

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 10½ cases of canned mushroom puree at Chicago, Ill., alleging that the article had been shipped by the Keystone Mushroom Co., from Detroit, Mich., May 11, 1931, and had been transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Keystone Brand Puree of Mushrooms. * * * Packed by the Keystone Mushroom Co., Coatesville, Pa."

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 October 12, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18883. Adulteration and misbranding of canned grapefruit juice. U. S. v. 23 Cases of Grapefruit Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26467. I. S. No. 24456. S. No. 4750.)

Samples of canned grapefruit juice from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 10, 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 23 cases of canned grapefruit juice at Chicago, Ill., alleging that the article had been shipped by the Holly Hill Fruit Products (Inc.), from Davenport, Fla., on or about January 10, 1931, and had been transported from the State of Florida into the State of Illinois, and charging adulteration and misbranding in violation of the food and drug act. The article was labeled in part: (Can) "Holly Hill Florida Grapefruit Juice * * * Holly Hill Fruit Products Inc., Davenport, Fla."

It was alleged in the libel that the article was adulterated in that a substance, to wit, added sugar, had been substituted in part for grapefruit juice, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Grapefruit Juice," was borne on the label so as to deceive and mislead the purchaser into the belief that the article was genuine grapefruit juice, whereas it was not. Misbranding was alleged for the further reason that the article was an imitation of another article, to wit, grapefruit juice, which it purported to be.

On October 12, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18884. Adulteration and misbranding of butter. U. S. v. Midwest Dairies (Inc.) (Desert Gold Dairies (Inc.)). Plea of guilty. Fine, \$25. (F. & D. No. 26536. I. S. Nos. 505, 507, 588, 1665.)

Samples of butter from the shipments herein described having been found short of the declared weight, and a portion having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On November 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Midwest Dairies (Inc.), a corporation, trading as the Desert Gold Dairies (Inc.), El Paso, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about August 19, August 22, September 12, and October 3, 1930, from the State of Texas into the State of New Mexico, of quantities of butter which was misbranded and a portion of which was also adulterated. The article was labeled in part: "1 Pound Net Desert Gold Creamery Butter Desert Gold Finest Quality Creamery Butter Desert Gold Dairies, Inc."

It was alleged in the information that a portion of the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for 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, which the said article purported to be.

Misbranding was alleged for the reason that the statement "1 Pound Net" on the packages was false and misleading in that it represented the packages to contain 1 pound net of the article, and for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package. Misbranding was also alleged with respect to a portion of the article in that the statement "Butter" on the packages was false and misleading, since it represented the article to be butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law; whereas the article did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser.

On November 3, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18885. Adulteration of canned frozen whole eggs. U. S. v. 250 Cans of Frozen Whole Eggs. Decree of condemnation entered. Product released under bond. (F. & D. No. 27026. I. S. No. 36850. S. No. 5236.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On October 1, 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 250 cans of frozen whole eggs, remaining unsold in the original packages at Mobile, Ala., alleging that the article had been shipped by the Atlantic Ice & Coal Co., from Knoxville, Tenn., on or about July 15, 1931, and had been transported from the State of Tennessee into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Keith's Eggs * * * Kaoka Whole Eggs * * * Process and Product Patented H. J. Keith Company, Boston, New York, Chicago."

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

On October 9, 1931, the H. J. Keith Co. (Inc.), Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, 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 execution of a bond in the sum of \$2,000, said bond being conditioned to the effect that the product should not be used, sold, or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18886. Adulteration of tullibeas. U. S. v. 150 Pounds of Tullibeas. Default decree of destruction entered. (F. & D. No. 26777. I. S. No. 35352. S. No. 4897.)

Samples of tullibeas (fish) from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On July 3, 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 150 pounds of tullibeas at Kansas City, Mo., alleging that the article had been shipped by D. J. McCarthy from Ranier, Minn., on or about June 1, 1931, and had been transported from the State of Minnesota into the State of Missouri, 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 wholly or partly of a filthy, decomposed, or putrid animal substance.

On November 6, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18887. Misbranding of canned tomatoes. U. S. v. 98 Cases, et al., of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27096. I. S. Nos. 37866, 37867. S. No. 5333.)

Examination of samples of canned tomatoes from the shipment herein described having shown that the article fell below the standard promulgated by