

the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.

On May 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Armour Co., a corporation trading at New Haven, Conn., and Daniel S. Bixby, an individual, New Haven, Conn., alleging shipment by said defendants in violation of the food and drugs act, on or about November 25, 1929, from the State of Connecticut into the State of New York, of a quantity of dressed poultry that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of filthy, decomposed, and putrid animal substances, and in that it consisted in part of portions of animals unfit for food.

On October 20, 1931, a plea of nolo contendere having been entered on behalf of Armour & Co., the court entered judgment finding the said defendant company guilty, and imposed a fine of \$10. On the same date defendant, Daniel S. Bixby, entered a plea of nolo contendere and the court found the said defendant not guilty.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19249. Adulteration of tomato catsup. U. S. v. 25 Cases, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 25941, 26025. I. S. Nos. 15877, 15880, 15881, 15888. S. Nos. 4183, 4282.)

Samples of tomato catsup from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On February 23, 1931 and March 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 341 cases, each containing a number of bottles, and 39 cases each containing a number of jugs, of tomato catsup, in part at Utica, N. Y., and in part at Syracuse, N. Y., alleging that the article had been shipped in two separate consignments on or about September 26, 1930 and September 30, 1930, by the Frazier Packing Co., from Elwood, Ind., and had been transported in interstate commerce from the State of Indiana into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottles and jugs) "Crouse's Crown Brand \* \* \* Tomato Catsup Crouse Grocery Co. Distributors Syracuse N. Y. and Utica, N. Y."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 8, 1931, no claimant having appeared for the property, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19250. Misbranding of canned cherries. U. S. v. 19 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 27265. I. S. No. 31908. S. No. 5450.)

Examination of canned cherries from the shipment herein described showed that the article fell below the standard for canned cherries promulgated by the Secretary of Agriculture, in that it consisted of water-packed cherries, and was not labeled to show that it was substandard.

On November 30, 1931, the United States attorney for the District of New Mexico, 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 19 cases of canned cherries, remaining in the original packages at Raton, N. Mex., alleging that the article had been shipped on or about August 7, 1931, by the Ray A. Ricketts Co., from Canon City, Colo., and had been transported in interstate commerce from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "O-Joy Brand Red Pitted Cherries \* \* \* Packed by Ray A. Ricketts Company, Canon City, Colo. Crowley, Colo."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it consisted of water-packed cherries, and the label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard of quality and condition.

On January 4, 1932, 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 relabeled in conformity with the food and drugs act as amended, and that it be sold at public auction by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19251. Adulteration and misbranding of Choelat-Nuga. U. S. v. Walter F. Seidel and Louis Seidel (Ad. Seidel & Sons). Pleas of guilty. Fine, \$300. (F. & D. No. 19633. I. S. No. 18910-V.)**

Examination of samples of Choelat-Nuga showed that the article consisted of cocoa, a product from which chocolate fat had been in whole or in part extracted, to which cocoanut oil had been added to replace the fat so extracted.

On May 12, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Walter F. Seidel and Louis Seidel, copartners, trading as Ad. Seidel & Sons, Chicago, Ill., alleging shipment by said defendants, in violation of the food and drugs act, on or about April 19, 1924, from the State of Illinois into the State of Indiana, of a quantity of Choelat-Nuga which was adulterated and misbranded. The article was labeled in part: "Choelat-Nuga A Superior Icing Substance Guaranteed \* \* \* Ad. Seidel & Sons. Manufacturing Food Chemists, Importers, \* \* \* Chicago."

It was alleged in the information that the article was adulterated in that a substance, composed of cocoanut oil and cocoa powder deprived of a portion of its fat, had been substituted for "Choelat-Nuga A Superior Icing Substance Guaranteed," which the said article purported to be. Adulteration was alleged for the further reason that cocoa butter, a valuable constituent of a chocolate product which the article purported to be, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was an imitation of another article, to wit, chocolate. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, chocolate. Misbranding was alleged for the further reason that the statement, to wit, "Choelat-Nuga A Superior Icing Substance Guaranteed," borne on the label, was false and misleading in that the said statement represented the article to be chocolate; 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 chocolate; whereas it was not chocolate but was an article composed of a mixture of cocoanut oil and cocoa powder.

On December 16, 1931, defendants entered pleas of guilty to the information and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19252. Adulteration of dates. U. S. v. 36 Cartons of Dates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27294. I. S. No. 31701. S. No. 5478.)**

Examination of samples of dates from the shipment herein described having shown the product to be wormy and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 8, 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 36 cartons of dates, remaining in the original unbroken packages at Denver, Colo., consigned by Capitol Candied Nuts (Inc.), New York, N. Y., alleging that the article had been shipped October 9, 1931, from New York City, N. Y., and had been transported in interstate commerce from the State of New York into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "Cellophane Date Packages. Capitol Candied Nuts Inc., New York City;" (retail packages) "Imported Dates."

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

On January 14, 1932, 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.*