

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was in part the product of a diseased animal.

On December 30, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19303. Adulteration of cabbage. U. S. v. 450 Crates of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27403. I. S. No. 39042. S. No. 5605.)**

Arsenic having been found on the cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 18, 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 450 crates of cabbage, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Chase & Co., from Sanford, Fla., on or about December 14, 1931, and had been transported from the State of Florida into the State of Massachusetts, 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 contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On December 21, 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.*

**19304. Adulteration and misbranding of butter. U. S. v. Southern Dairies (Inc.). Plea of nolo contendere. Fine, \$100. (F. & D. No. 26580. I. S. No. 29310.)**

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 Tennessee.

On August 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Southern Dairies (Inc.), a corporation, Knoxville, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about March 8, 1931, from the State of Tennessee into the State of New York, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Salt Butter."

Adulteration of the article was alleged in the information for the reason that a product which contained 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, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the tubs containing the article, was false and misleading in that the said statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat; 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 which should contain not less than 80 per cent by weight of milk fat, whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount.

On January 18, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19305. Misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27356. I. S. No. 47294. S. No. 5559.)**

Samples of potatoes from the shipment herein described having been found to be below U. S. Grade No. 1, the standard declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On December 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 360 sacks of potatoes, remaining in the original unbroken packages at Dayton, Ohio, alleging that the article had been shipped by Leonard, Crosset & Riley, Greenville, Mich., from McBrides, Mich., on or about November 30, 1931, and had been transported from the State of Michigan into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "U. S. Grade Number 1 Good Luck Brand Michigan Potatoes."

It was alleged in the libel that the article was misbranded in that it was labeled, "U. S. Grade Number 1," which label was false and misleading and deceived and misled the purchaser, since it represented that the article was of the standard established in official United States Grade No. 1 for potatoes, whereas it was not, but was of a lower standard and grade.

On December 17, 1931, Leonard, Crosset & Riley (Inc.), Greenville, Mich., 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 costs and the execution of a bond in the sum of \$500, conditioned in part that the statement, "U. S. No. 1," be stricken from the label, and the word "Unclassified," placed on the tag in lieu thereof, and that it should not be sold or otherwise disposed of contrary to the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19306. Adulteration of canned tuna. U. S. v. Max A. Rex (California Sea Food Co.). Plea of guilty. Fine, \$350. (F. & D. No. 26700. I. S. Nos. 15162, 33831, 33832.)**

Samples of canned tuna from the shipments herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On January 28, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Max A. Rex, trading as the California Sea Food Co., Los Angeles, Calif., alleging shipment by said company in violation of the food and drugs act, on or about April 28, 1931, from the State of California in part into the State of Tennessee, and in part into the State of New York, of quantities of canned tuna that was adulterated. The article was labeled in part, variously: (Cans) "Results! Brand California Tuna \* \* \* Guaranteed by M. O. Covington Co., Los Angeles, Calif.;" "Caltuna Brand California Tuna \* \* \* Guaranteed by California Sea Food Co. Los Angeles, Calif.;" "Montecito Brand California Tuna \* \* \* Guaranteed by California Sea Food Co. Los Angeles, Calif."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On February 23, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$350.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19307. Adulteration of oysters. U. S. v. N. P. Housman Oyster Co. (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 26702. I. S. Nos. 12276, 23939.)**

Samples of oysters from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 27, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid an information against N. P. Housman Oyster Co. (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about February 16, 1931, from the State of New York into the State of Utah, and on or about February 18, 1931, from the State of New York into the State of Illinois, of quantities of oysters that were adulterated. The article was labeled in part: "From N. P. Housman Oyster Co. \* \* \* New York."

It was alleged in the information that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for oysters, which the said article purported to be.