

19701. Adulteration and misbranding of Jack Sprat grape flavor gelatin dessert powder. U. S. v. Western Grocer Co., a corporation. Plea of guilty. Fine of \$40 and costs. (F. & D. No. 27441. I. S. Nos. 24923, 24996.)

This action was based on the interstate shipment of quantities of gelatin dessert powder which was found to contain artificial grape flavoring.

On March 21, 1932, the United States attorney for the Southern District of Iowa, 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 the Western Grocer Co., a corporation, Marshalltown, Iowa, alleging shipment by said company, under the name of Western Grocer Mills, in violation of the food and drugs act, on or about March 12, 1931, from the State of Iowa into the State of Minnesota, of quantities of gelatin dessert powder that was adulterated and misbranded. The article was labeled in part: (Shipping package) "Grape Jack Sprat Jelly Powder;" (retail carton) "Jack Sprat Grape Flavor Gelatin Dessert Powder composed of pure gelatine, sugar, pure fruit flavor, fruit acid from grapes and vegetable color. * * * Packed by Western Grocer Mills, Marshalltown, Iowa."

It was alleged in the information that the article was adulterated in that an imitation grape flavored gelatin dessert powder had been substituted for grape jelly powder and for grape flavor gelatin dessert powder, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Grape * * * Jelly Powder," "Grape Flavor Gelatin Dessert Powder," and "Pure Fruit Flavor," were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it was not grape jelly powder, and was not grape flavor gelatin dessert powder composed in part of pure fruit flavor, but was an artificially colored and flavored product which contained little, if any, grape.

On April 9, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*

19702. Adulteration of butter. U. S. v. 6 Tubs, More or Less, of Butter. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 27832. I. S. Nos. 43132, 43142. S. Nos. 5824, 5867.)

Samples of butter from the interstate shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On February 5, 1932, the United States attorney filed in the District Court of the United States a libel praying seizure and condemnation of six tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa. On February 15, 1932, the libel was amended to cover 12 tubs of butter. It was alleged in the libel as amended that the article had been shipped by the Groveport Creamery, from Groveport, Ohio, in part on about February 3, 1932, and in part on or about February 10, 1932, and had been transported from the State of Ohio into the State of Pennsylvania, and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product containing less than 80 per cent of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat.

On February 17, 1932, Crawford & Lehman (Inc.), Philadelphia, Pa., having appeared as claimants 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 costs and the execution of a bond in the sum of \$150 conditioned that it should not be sold or otherwise disposed of contrary to the laws of the United States or of any State, Territory, District, or insular possession, and further, that it be reconditioned under the supervision of this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

19703. Adulteration of walnut meats. U. S. v. 33 Cartons of Mayer's Walnut Meats. Decree of condemnation and destruction. (F. & D. No. 28654. I. S. Nos. 07339, 07340, 07341. S. No. 1896.)

This action was based on shipments of walnut meats, samples of which were found to be worm-eaten, rancid, and moldy.

On April 23, 1929, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court