

Colorado into the State of Kansas, and charging adulteration of a portion and misbranding of the remainder, in violation of the food and drugs act. The article was labeled in part: (Can) "Santa Fe Brand Tomato Puree."

It was alleged in the libel that the portion of the article consisting of puree was adulterated in that it contained a decomposed vegetable substance.

Misbranding was alleged with respect to the portion consisting of canned tomatoes for the reason that the statement "Tomato Puree," on the label, was false and misleading and deceived and misled the purchaser, since some of the cans did not contain tomato puree but did contain whole tomatoes.

On April 5, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19740. Adulteration and misbranding of chocolate-covered nuts and nut bars. U. S. v. Dionigi Perrone (Perrone Candy Co.). Plea of guilty. Fine, \$300. (F. & D. No. 27489. I. S. Nos. 30191, 30310, 30311.)

This action was based on the interstate shipment of two lots of alleged milk chocolate-coated Brazil nuts, and one shipment of alleged milk chocolate-coated filbert bars. Examination showed that the chocolate coating in parts of the article were deficient in milk solids, and in the remainder contained no milk solids. Examination showed further that the labels of the articles failed to bear a statement of the quantity of the contents.

On April 13, 1932, the United States attorney for the Southern District of New York, 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 Dionigi Perrone, trading as Perrone Candy Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, in part on or about March 17, 1931, and in part on or about April 27, 1931, from the State of New York into the State of New Jersey, of quantities of chocolate-covered nuts and filbert bars that were adulterated and misbranded. The Brazil nuts were labeled in part: (Box) "Sky-High in Quality Perrone's Candies Brazil Nuts Covered with Pure Milk Chocolate;" (retail package) "Brazil Perrone's Nuts." The filbert bars were labeled in part: (Box) "Milk Chocolate Filbert Bars Perrone Candy Co., New York, Sky-High in Quality;" (retail package) "Filbert Perrone's Bar."

Adulteration of the articles was alleged in the information for the reason that a substance other than milk chocolate, in that it was deficient in milk solids, or contained no milk solids, had been substituted in part for the said articles.

Misbranding was alleged for the reason that the statements, "Sky-High in Quality * * * Covered with Pure Milk Chocolate," with respect to the Brazil nuts, and the statements, "Sky-High In Quality * * * Milk Chocolate," with the respect to the said filbert bars, appearing in the labeling, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted in part of pure milk chocolate of the highest quality, whereas it was not, since the coating was an inferior article a portion being deficient in milk solids, and the remainder containing no milk solids. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 2, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$300.

HENRY A. WALLACE, *Secretary of Agriculture.*

19741. Adulteration and misbranding of canned egg yolk. U. S. v. 150 Cans of Egg Yolk. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 27900. I. S. No. 52254. S. No. 5932.)

Samples of egg yolk from the shipment herein described having been found to contain added undeclared sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On March 10, 1932, 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 cans of canned egg yolk at Detroit, Mich., alleging that the article had been shipped by Rothenberg and Schneider Bros., from Chicago,