

Brand Salsa Di Pomodoro Concentrato * * * Packed for C. Carbone, Somerville, Mass. Italian Style Tomato Paste." The remainder was labeled in part: (Cans) "Pastene Brand Tomato Paste * * * Packed for Pastene Products Co. * * * Boston."

It was alleged in the information that the article was adulterated in that an artificially colored product had been substituted for tomato paste, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, "Tomato Paste" and "Salsa Di Pomodoro Concentrato," with respect to a portion of the article, and the statements, "Tomato Paste" and "Salsa" with respect to the remainder, together with the design of red ripe tomatoes, appearing on the labels, 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 the said statements and design represented that the article was composed wholly of tomatoes, whereas it consisted in part of an undeclared added artificial color. Misbranding was alleged for the further reason that the article was offered for sale and was sold under the distinctive name of another article, "Tomato Paste."

On July 25, 1932, the defendant, Bruno Bisceglia, entered a plea of guilty to the information, and the court imposed a fine of \$20.

HENRY A. WALLACE, *Secretary of Agriculture.*

19964. Adulteration of butter. U. S. v. 12 Cubes of Butter. Product released under bond for reworking. (No. 983-A. F. & D. No. 28472.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress.

On June 30, 1932, the United States attorney for the Southern District of California, 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 12 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 25, 1932, by the Beaver Valley Creamery Co., from Milford, Utah, to Los Angeles, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Beaver Valley Creamery, Beaver, Utah."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

On July 1, 1932, Joseph Thorup, Los Angeles, Calif., having entered an appearance and claim, praying release of the property, and having furnished a cash bond in the sum of \$100, conditioned that the product should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws, the court approved the bond and ordered the product released. On July 5, 1932, the product having been reworked to the satisfaction of this department, the release was made permanent and it was ordered by the court that bond be exonerated upon payment of all costs of the proceedings.

HENRY A. WALLACE, *Secretary of Agriculture.*

19965. Adulteration of butter. U. S. v. 29 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 1899-A. F. & D. No. 28397.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress.

On May 27, 1932, the United States attorney for the Western District of Washington, 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 29 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 24, 1932, by Farmers Cooperative Creamery, from Sandpoint, Idaho, to Seattle, Wash., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing 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 of milk fat as provided by the act of March 4, 1923.