

"Checker Brand Water Pack Sour Pitted Red Cherries Contents 1 Lb. 5 Oz. Packed by Webster Canning and Preserving Co. Webster, N.Y."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. 5 Oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was incorrect.

On November 18, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed. On December 12, 1932, an amended decree was entered providing that the cherries be turned over to a welfare society.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20484. Misbranding of blended citrus fruit juices. U. S. v. Florida Fruit Cannery, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 28063. I. S. nos. 12548, 22274.)**

This action was based on the interstate shipment of a quantity of blended citrus fruit juices, sample cans of which were found to contain less than the declared volume.

On May 17, 1932, the United States attorney for the Southern District of Florida, 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 Florida Fruit Cannery, Inc., Frostproof, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 17, 1931, from the State of Florida into the State of Washington, of quantities of blended citrus fruit juices that were misbranded. The article was labeled in part: (Cans) "Contents 8 Flu. Oz. \* \* \* Pomorang Pure Juices from Tree Ripened Citrus Fruits, \* \* \* Florida Fruit Cannery, Inc. Division of L. Maxcy, Inc. Frostproof, Florida."

It was alleged in the information that the article was misbranded in that the statement "Contents 8 Flu. Oz.", borne on the cans containing the article, was 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 cans contained less than 8 fluid ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made on the label was incorrect.

On November 2, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20485. Adulteration and misbranding of tomato catsup. U. S. v. 50 Cases, et al., of Tomato Catsup. Default decrees of condemnation and forfeiture. Portion of product delivered to charitable institution; remainder destroyed. (F. & D. nos. 28408, 28413, 28414, 28415, 28416, 28417, 28426, 28682, 28828. Sample nos. 2759-A, 2760-A, 5879-A, 7294-A, 7295-A, 8389-A.)**

These cases involved bottled and canned tomato catsup that was found to be adulterated with added gum; excessive mold also was found in samples taken from certain lots.

On June 16 and June 18, 1932, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 97½ cases of tomato catsup, remaining in the original unbroken packages in various lots at New Orleans, Baton Rouge, Donaldsonville, and Covington, La. On June 18, 1932, the United States attorney for the Western District of Louisiana filed a libel against 4 cases of the product at Opelousas, La., and 4 cases at Alexandria, La. On June 20, 1932, a libel was filed in the United States District Court for the Southern District of Ohio against 1,000 cases at Cincinnati, Ohio. On August 16, 1932, 45 cases of canned tomato catsup were libeled at Wilkesbarre in the Middle District of Pennsylvania, and on August 30, 1932, a similar action was instituted against 572 cases and 14 bottles of tomato catsup at Minneapolis, in the judicial district of Minnesota. The libels charged that the article had been shipped between the dates of February 11, 1932 and July 19, 1932, by the Midwest Food Packers, Inc. of Marion and Fowlerton, Ind., that it had been transported in interstate commerce from the State of Indiana into the States of

Louisiana, Ohio, Pennsylvania, and Minnesota, respectively, and that it was adulterated and misbranded in violation of the Food and Drugs Act. Certain of the shipments were labeled: (Bottle) "Mid-West Brand \* \* \* Tomato Catsup Made By Mid-west Food Packers, Inc., Fowlerton [or "Marion"] Ind." Certain shipments were labeled: (Can) "Certified Brand \* \* \* Made by Mid-West Food Packers, Inc., Marion, Ind." One lot was labeled: (Bottle) "Honey Grove Brand Tomato Catsup \* \* \* The Cincinnati Wholesale Grocery Co. Distributors. Cincinnati and Dayton Ohio."

It was alleged in the libels that all lots of the article were adulterated in that tomato catsup containing added gum had been substituted for the article. Adulteration was alleged against 105½ cases of the product seized in the Eastern and Western Districts of Louisiana for the reason that the product in the 105½ cases consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

It was further alleged in the libels that all lots of the article were misbranded in that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article for the reason that the statement "Tomato Catsup" on the label was false and misleading when applied to tomato catsup containing added gum.

No appearance was made or answers filed to the libels. On October 20, 1932, judgment was entered in the case instituted at Minneapolis, Minn., ordering that the product be destroyed by the United States marshal. On November 12, 1932, a similar decree was entered against the product seized in the Eastern District of Louisiana and on November 16, 1932, the 1,000 cases seized at Cincinnati, Ohio, were ordered destroyed. The two cases instituted in the Western District of Louisiana were closed on January 3 and January 24, 1933, and the product ordered condemned and destroyed, a jury having found the allegations of the libels to be true and correct.

On January 18, 1933, the 45 cases of canned catsup seized at Wilkesbarre, Pa., also were ordered destroyed. On January 30, 1933, no charge of decomposition having been made against this lot and the court having found that it was not unfit for human consumption, an amended order was entered permitting its distribution to charitable organizations.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20486. Adulteration of cauliflower. U.S. v. 484 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29117. Sample no. 12459-A.)**

This action involved the interstate shipment of a quantity of cauliflower that was found to bear arsenic in an amount which might have rendered it injurious to health.

On October 13, 1932, the United States attorney for the District of New Jersey, 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 484 crates of cauliflower, remaining in the original and unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce on or about October 4, 1932, by the United Growers Association, from Denver, Colo., to Jersey City, N.J., 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 ingredient, arsenic, which might have rendered the article injurious to health.

On November 16, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20487. Adulteration of canned salmon. U. S. v. 985 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 29095. Sample nos. 16728 to 16730-A, incl.)**

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On November 21, 1932, the United States attorney for the Southern District of Florida, 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 985 cases of canned salmon, remaining in the