

the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$300, conditioned that they be relabeled to show the correct weights.

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

**20630. Adulteration and misbranding of tomato catsup. U. S. v. Greenbaum Bros., Inc. Plea of guilty. Fine, \$400.** (F. & D. no. 28169. I. S. nos. 42112, 42613, 42614, 43844, 49385, 49386.)

The adulteration charged in this case was based on a finding of excessive mold in samples taken from all lots. The misbranding charges were based on short weight found in two of the brands; the statements appearing on the labels of the said brands that the article was made of carefully selected stock; and the statement on the labels of all lots, with one exception, that the article complied with the pure food laws.

On December 22, 1932, the United States attorney for the District of Delaware, 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 Greenbaum Bros., Inc., a corporation, Seaford, Del., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of September 26, 1931 and February 19, 1932, from the State of Delaware into the States of Maryland, New Jersey, and New York, of quantities of tomato catsup that was adulterated; and which, with the exception of one lot, was also misbranded. One shipment of the article was contained in cans labeled in part: "Ribbon Brand Guaranteed Pure and to Comply with all U. S. Food Laws Tomato Catsup Distributed by Frey & Son, Inc., Baltimore, Md." The labels of the bottles and cans in one shipment bore the statements, "Ideal Tomato Catsup, Wilkinson, Caddis & Co., Distributors, Newark, New Jersey"; the bottle labels bearing the further statement, "Guaranteed to comply with the Pure Food Laws." Two of the lots described as Tulip Brand or Ward Fancy bore on the labels, "Tomato Catsup, Distributed by Weidman, Ward & Co., Inc., Albany, N. Y. Guaranteed Pure and to comply with all U. S. Food Laws. Made from carefully selected whole tomatoes"; the Tulip brand being further labeled, "Contents 14 Ounces"; and the Ward Fancy labels bearing the statement "Contents 14 Oz."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged with respect to all lots, with one exception, for the reason that the statements borne on the labels, "Guaranteed Pure And To Comply With All U. S. Food Laws", or "Guaranteed to Comply with The Pure Food Laws", were false and misleading and deceived and misled the purchaser, since the article did not comply with the Federal Food and Drugs Act. Misbranding was alleged with respect to the Tulip and Ward Fancy brands for the further reason that the statements on the labels, "Contents 14 Ounces [or "14 Oz.]" Made from Carefully Selected Whole Tomatoes \* \* \* Fancy Tomato Catsup", were false and misleading and deceived and misled the purchaser, since certain of the bottles in each of the said brands contained less than 14 ounces, and the article was not made from carefully selected whole tomatoes. Misbranding of the said Tulip and Ward Fancy brands 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 packages, since the statement made on the labels was incorrect.

On January 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

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

**20631. Adulteration of canned frozen eggs, and adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$150.** (F. & D. no. 29344. I. S. nos. 50623, 53331, 53336.)

This case was based on an interstate shipment of a product represented to be canned whole mixed eggs, which was found to contain excessive whites; and of a shipment of butter which was found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On December 28, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Swift & Co., trading at Omaha, Nebr., alleging shipment by said company in violation of the Food

and Drugs Act, from the State of Nebraska into the State of Illinois, on or about December 12, 1931, of a quantity of a product purporting to be canned frozen mixed whole eggs, which was adulterated, and on or about March 11, 1932, of a quantity of butter that was adulterated and misbranded. The eggs were billed as frozen eggs, and were labeled in part, "Mixed." The butter was labeled in part: "Glenwood Creamery Butter \* \* \* Distributed by Swift & Company \* \* \* Chicago, U.S.A."

Adulteration of the canned frozen eggs was alleged in the information for the reason that egg whites, in excess of the normal amount contained in mixed whole eggs, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for mixed whole eggs, which the article purported to be.

Adulteration of the butter was alleged for the reason that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1933, which the article purported to be.

Misbranding of the butter was alleged for the reason that the statement "Butter", borne on the cartons, 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 it was not butter as defined by law.

On January 30, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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

**20632. Misbranding of butter. U. S. v. Western Meat Co. Plea of guilty. Fine, \$200.** (F. & D. no. 29343. I. S. no. 32722.)

This case was based on a shipment of print butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

At the November 1932 term of court, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Western Meat Co., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 16, 1932, from the State of California, to Honolulu, Hawaii, of a quantity of butter that was misbranded. The article was labeled in part: "'Fort Sutter' Brand Butter \* \* \* Net Weight 1 Lb. Distributed by Western Meat Co."

It was alleged in the information that the article was misbranded in that the statement "Net Weight 1 Lb.", borne on the cartons, 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 each of a large number of the said cartons contained less than 1 pound of the article. 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 packages, since the statement made was incorrect.

On January 6, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

**20633. Adulteration of canned salmon. U. S. v. 500 Cases of Canned Salmon. Decree of condemnation. Product released under bond.** (F. & D. no. 29549. Sample no. 18430-A.)

This action involved an interstate shipment of canned salmon, that was in part decomposed.

On or about December 9, 1932, the United States attorney for the Western District of Texas, 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 500 cases of canned salmon, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about September 8, 1932, by the Oceanic Sales Co., from Seattle, Wash., into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue and White Brand Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.