

It was alleged in the information that the article was adulterated in that a product containing excessive moisture, namely, more than 39 percent of water, had been substituted for Wisconsin No. 1 cheese, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Cheese" and "Wisconsin No. 1", borne 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 statements represented that the article was Wisconsin No. 1 cheese, i.e., cheese containing not more than 39 percent of moisture; whereas it was not Wisconsin No. 1 cheese, since it contained more than 39 percent of moisture.

On September 26, 1931, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10.

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

20979. Adulteration of butter. U. S. v. Minnesota Creamery Co. Plea of guilty. Fine, \$10. (F. & D. no. 29441. I. S. no. 26086.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On March 27, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Minnesota Creamery Co., a corporation, trading at St. Paul, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 28, 1931, from the State of Minnesota into the State of Ohio, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product that contained less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

On March 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

20980. Adulteration of canned salmon. U. S. v. 200 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29533. Sample no. 7774-A.)

This case involved an interstate shipment of canned salmon that was found to be in part decomposed.

On November 29, 1932, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 200 cases of canned salmon at Columbus, Ga., alleging that the article had been shipped in interstate commerce, on or about September 18, 1932, by C. F. Buelow Co., Inc., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spot Lite Brand Pink Salmon * * * C. F. Buelow Company, Incorporated, Seattle."

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

On March 11, 1933, 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 by the United States marshal.

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

20981. Adulteration of figs. U. S. v. Minas Koligian, Sarkis Koligian, Hacho Koligian, Mugur Koligian, trading as Koligian Bros., and Charles Kalajian. Pleas of guilty. Fines, \$210. Sentences suspended for two years. (F. & D. no. 29524. I. S. no. 22888.)

This case was based on an interstate shipment of figs, a large proportion of which were found to be insect-infested, moldy, and sour.

On April 17, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Minas Koligian, Sarkis Koligian, Hacho Koligian, and Mugur Koligian, copartners trading as Koligian Bros., and Charles Kalajian, Fresno, Calif., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about December 31, 1931, from the State of California into the State of Oregon, of a quantity of figs which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable and animal substance.

On April 21, 1933, Mugur Koligian, appearing for the copartnership, and Charles Kalajian, each entered a plea of guilty to the information and the court imposed a fine of \$200 on the former and \$10 on the latter. The court ordered that the fines be suspended for a period of 2 years on condition that the defendants refrain from violating the laws of the United States and particularly the Federal Food and Drugs Act.

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

20982. Adulteration and misbranding of strawberry, raspberry, blackberry, and cherry preserves, and raspberry jelly; and misbranding of pineapple preserves. U. S. v. Leghorn Food Products Corporation. Plea of guilty. Fine, \$300 on counts 1 and 2. Sentence suspended on remaining counts. (F. & D. no. 28159. I. S. nos. 29029, 30731, 38006, 38008, 38012, 38013, 38014.)

The products in this case consisted of fruit preserves and jelly that contained undeclared added pectin. The strawberry preserves were deficient in fruit; the raspberry jelly also was deficient in fruit and contained added sodium benzoate; the raspberry and blackberry preserves were deficient in fruit and insufficiently concentrated, and the cherry preserves were insufficiently concentrated.

On March 2, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information in 11 counts against the Leghorn Food Products Corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 3, 1931, from the State of New York into the State of New Jersey, of a quantity of strawberry preserves that were adulterated and misbranded; and on or about June 2 and June 12, 1931, from the State of New York into the State of Pennsylvania, of quantities of raspberry jelly, raspberry preserves, blackberry preserves, and cherry preserves that were adulterated and misbranded, and of a quantity of pineapple preserves that were misbranded. The articles were labeled, variously: "Crest Brand Pure Strawberry Preserves * * * Mfg'd By Leghorn Food Prod. Corp. Brooklyn, N.Y."; "Crest Pure Raspberry Jelly Leghorn Food Products Corporation."; "I G A Brand * * * Pure Raspberry [or "Blackberry", "Cherry", or "Pineapple"] Preserves * * * Packed for Independent Grocers Alliance Distributing Co., Chicago."

Adulteration of the strawberry, raspberry, blackberry, and cherry preserves, and the raspberry jelly was alleged for the reason that undeclared added pectin had been mixed and packed with the articles so as to reduce and lower and injuriously affect their quality and strength. Adulteration was alleged for the further reason that products deficient in fruit and containing undeclared added pectin had been substituted for the said strawberry preserves and raspberry jelly; that insufficiently concentrated products deficient in fruit and containing added pectin had been substituted for raspberry and blackberry preserves; and that a product insufficiently concentrated and containing excessive water and undeclared added pectin, mixed in a manner whereby inferiority was concealed, had been substituted for cherry preserves. Adulteration of the strawberry, raspberry, and blackberry preserves and the raspberry jelly was alleged for the further reason that pectin had been mixed with the article in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statements, "Pure Strawberry Preserves", "Pure Raspberry Jelly", "Pure Raspberry Preserves", "Pure Blackberry Preserves", "Pure Cherry Preserves", and "Pure Pineapple Preserves", borne on the jar labels, were false and misleading and deceived and misled the purchaser, since the statements represented that the articles were pure fruit preserves and jelly; whereas they contained undeclared added pectin, certain of the products were insufficiently concentrated, the cherry preserves contained excessive water, and all, with the exception of the cherry and pineapple preserves, were deficient in fruit. Misbranding was alleged with respect to all products for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding of the raspberry jelly was alleged for the further reason that the label bore no statement of the added sodium benzoate contained in the article, so as to deceive and mislead the purchaser into the belief that it contained no sodium benzoate.