

On September 28, 1933, Coyne & Nevins Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21451. Misbranding of canned tomatoes. U. S. v. 27 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture, with provision for release under bond for relabeling. (F. & D. no. 30900. Sample no. 50848-A.)**

This case involved a shipment of canned tomatoes in which the cans examined were found to contain less than the weight declared on the label.

On August 17, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of canned tomatoes at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce, on or about June 9, 1933, by the Utah Canning Co., from Ogden, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Yellowstone Brand Hand Packed Tomatoes Contents One Pound Fourteen Oz."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, since the cans contained less than 1 pound 14 ounces, the weight declared on the label. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the packages, since the statement made was incorrect.

On August 28, 1933, Paxton & Gallagher Co., Cheyenne, Wyo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of a bond, conditioned that it be relabeled under the supervision of this Department, otherwise that it be sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21452. Adulteration of canned frozen eggs. U. S. v. Kraft-Phenix Cheese Corporation. Plea of guilty. Fine, \$100. (F. & D. no. 29528. I.S. no. 39523.)**

This case was based on a shipment of canned frozen eggs, which were found to be in part decomposed.

On June 15, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kraft-Phenix Cheese Corporation, a corporation trading at Dallas, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 14, 1931, from the State of Texas into the State of Maryland, of a quantity of canned frozen eggs which were adulterated. The article was labeled in part: (Tag) "Whole Eggs 30 lbs. Net Kraft-Phenix Cheese Corporation \* \* \* Dallas Texas."

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

On September 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21453. Adulteration of powdered pectin. U. S. v. 2 Drums of Powdered Pectin. Default decree of forfeiture and destruction. (F. & D. no. 30607. Sample no. 34483-A.)**

This case involved a shipment of powdered pectin which contained lead in an amount which might have rendered it injurious to health.

On June 15, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 100-pound drums of powdered pectin at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 13, 1932, by Wallerstein Co., Inc., from New York, N.Y., 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 and deleterious ingredient, lead, which might have rendered it harmful to health.

On September 18, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21454. Adulteration of blueberries. U. S. v. 11 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 30938. Sample no. 47080-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 8, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 crates of blueberries at Boston, Mass., consigned August 7, 1933, alleging that the article had been shipped in interstate commerce by Charles Helin, from Warren, Maine, 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 consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21455. Misbranding and alleged adulteration of butter. U. S. v. 20 Cartons and 14 Cartons of Butter. Decree of condemnation. Product released under bond.** (F. & D. nos. 30983, 30984. Sample nos. 29713-A, 29717-A.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 29 and August 3, 1933, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 34 cartons of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about July 25 and July 28, 1933, by the Mountain States Creamery Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Premium Quality Brookfield Butter \* \* \* Distributed by Swift & Co."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading and deceived and misled the purchaser, since it contained less than 80 percent of milk fat.

On August 11, 1933, the Mountain States Creamery Co., having appeared as claimant for the property and having admitted the allegations of the libels, judgments were entered, ordering that the product be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21456. Adulteration of blueberries. U. S. v. 24½ Crates and 15 Crates of Blueberries. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 30862, 30865. Sample nos. 57392, 57394-A.)

These cases involved interstate shipments of blueberries which were found to be infested with maggots.

On August 7, 1933, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 39½ crates of blueberries at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on or about August 3 and August 4, 1933, by the Jeddo Supply Co., from Jeddo, Pa., and charging adulteration in violation of the Food and Drugs Act.