

23037. Misbranding of mayonnaise. U. S. v. Vita-Foods, Inc. Plea of nolo contendere. Fine, \$50. (F. & D. no. 32131. Sample no. 39878-A.)

This case was based on a shipment of mayonnaise that contained added undeclared starch and that was also short weight.

On August 13, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vita-Foods, Inc., a corporation, Jacksonville, Fla., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about February 18, 1933, from the State of Florida into the State of Georgia, of a quantity of mayonnaise which was misbranded. The article was labeled in part: "Vita Food Brand Mayonnaise Vita-Foods, Inc., Jacksonville, Fla. 7 Fl. Oz."

The article was alleged to be misbranded in that the statements, "Mayonnaise * * * 7 Fl. Oz.", borne on the jar labels, were false and misleading, and in that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was mayonnaise and contained no substance that mayonnaise does not contain, and that the jars contained 7 fluid ounces of the article; whereas it contained starch, a substance which is not a component of mayonnaise, and the jars contained less than 7 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 packages contained less than declared.

On October 5, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

23038. Adulteration and misbranding of baking powder. U. S. v. Albert Krout Co. Plea of nolo contendere. Sentence suspended and defendant placed on probation. (F. & D. no. 32188. Sample no. 55525-A.)

This case was based on a shipment of baking powder that contained insufficient available carbon dioxide. The label bore no statement of the quantity of the contents.

On August 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Albert Krout Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about October 23, 1933, from the State of Pennsylvania into the State of New Jersey, of a quantity of baking powder which was adulterated and misbranded. The article was labeled in part: "Krout's Baking Powder * * * Manufactured by Albert Krout Co. Philadelphia."

The article was alleged to be adulterated in that a product deficient in available carbon dioxide for baking powder had been substituted for baking powder, which the article purported to be.

Misbranding was alleged for the reason that the statement "Baking Powder", borne on the label, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not baking powder, in that it was deficient in available carbon dioxide for baking powder. Misbranding was alleged for the further reason that an article deficient in available carbon dioxide had been offered for sale under the distinctive name of another article, namely, baking powder, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 30, 1934, a plea of nolo contendere was entered on behalf of the defendant company. Sentence was suspended and the defendant placed on probation for 30 days.

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

23039. Adulteration and misbranding of wheat bran. U. S. v. Blish Milling Co. Judgment of guilty. Fine, \$50. (F. & D. no. 32189. Sample no. 68554-A.)

This case was based on a shipment of bran that was found to contain scourgings or screenings and scourgings.

On or about July 5, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Blish Milling Co., a corporation, Geymour, Ind., alleging shipment by said company, in violation of the Food and

Drugs Act, on or about October 30, 1933, from the State of Indiana into the State of Maryland, of a quantity of wheat bran which was adulterated and misbranded. The article was labeled in part: (Tag) "Woodstock Bran Manufactured by Blish Milling Company, Seymour, Indiana. * * * Ingredients: Wheat Bran."

The article was alleged to be adulterated in that screenings and/or scourings had been substituted in part for wheat bran which the article purported to be.

Misbranding was alleged for the reason that the statement, "Ingredients: Wheat Bran", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article consisted solely of wheat bran, whereas it consisted, in part, of screenings and/or scourings.

On October 15, 1934, the case having come on for trial on a stipulation of facts after arraignment and a plea of not guilty, judgment of guilty was entered and the court imposed a fine of \$50.

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

23040. Adulteration of dried prunes. U. S. v. Rolland C. Jory (Jory Packing Co.). Plea of guilty. Fine, \$25. (F. & D. no. 32209. Sample nos. 60319-A, 60323-A.)

This case was based on a shipment of dried prunes which were found to be in part decomposed.

On September 4, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rolland C. Jory, trading as the Jory Packing Co., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about November 20, 1933, from the State of Oregon into the State of Washington, of a quantity of dried prunes which were adulterated. The article was labeled in part: "Jory Packing Co., Salem Ore."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On October 23, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25.

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

23041. Adulteration of olives. U. S. v. The Quaker Maid Co. Plea of guilty. Fine, \$10. (F. & D. no. 32228. Sample nos. 56051-A, 56054-A.)

This case was based on a shipment of olives which were found to be in large part wormy.

On July 23, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Quaker Maid Co., trading at Terre Haute, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 6, 1933, from the State of Indiana into the State of Illinois, of two barrels of olives which were adulterated. One barrel was unlabeled, and the other barrel was marked "Plain Rejects."

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable substance.

On October 1, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

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

23042. Adulteration of butter. U. S. v. Northern Creamery Co. Plea of guilty. Fine, \$75 and costs. (F. & D. no. 32230. Sample no. 60517-A.)

This case was based on an interstate shipment of butter that was rancid, low in milk fat, and that contained filth.

On August 6, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Northern Creamery Co., a corporation, Great Falls, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 15, 1933, from the State of Montana into the State of Washington, of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed animal and vegetable substance due to high rancidity, and the presence of such substances as coal, stone, straw, cloth fiber, human and animal hairs, wood and plant fiber, feather fiber, and insect excreta; and