

On April 6, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

24557. Adulteration and misbranding of coffee. U. S. v. Johnson Coffee Co. Plea of guilty. Fine, \$200. (F. & D. no. 32220. Sample nos. 39401-A, 39402-A, 39942-A, 39943-A.)

Samples of coffee taken from the shipments involved in this case were found to contain foreign material consisting of coffee chaff and cereal.

On November 8, 1934, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Johnson Coffee Co., a corporation, Chattanooga, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 10, June 29, and August 5, 1933, from the State of Tennessee into the State of Georgia; and on or about August 8, 1933, from the State of Tennessee into the State of Florida of quantities of coffee which was adulterated and misbranded. The article was labeled in part: "Black Joe Brand Pure Rio Coffee Roasted & Packed for Suwannee Stores."

The article was alleged to be adulterated in that foreign substances, i. e., coffee chaff and a cereal had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for coffee, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Pure Rio Coffee", borne on the package label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not consist of pure coffee, but consisted in part of a substantial quantity of coffee chaff and a cereal. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, coffee.

On April 29, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

W. R. GREGG, *Acting Secretary of Agriculture.*

24558. Adulteration of butter. U. S. v. The Ashley Creamery. Plea of guilty. Fine, \$25. (F. & D. no. 32890. Sample no. 40347-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat.

On August 30, 1934, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ashley Creamery, a corporation, Ashley, N. Dak., alleging shipment by said company in violation of the Food and Drugs Act as amended on or about August 14, 1933, from the State of North Dakota into the State of Illinois of a quantity of butter which was adulterated.

The article was alleged to be adulterated in 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, 1923, which the article purported to be.

On April 23, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

24559. Misbranding of salad oil. U. S. v. the Ragus Packing Corporation, Morris Stern, Isidor Goldsmith, and Nathan Goldsmith. Pleas of guilty. Fines, \$150. (F. & D. no. 32914. Sample nos. 50050-A, 54436-A, 55451-A.)

This case involved shipments of salad oil that was short volume.

On January 25, 1935, the United States attorney for the Eastern District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ragus Packing Corporation, Morris Stern, Isidor Goldsmith, and Nathan Goldsmith, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 31, July 21, and August 1, 1933, from the State of New York into the State of Pennsylvania of quantities of salad oil which was misbranded. The article was labeled, variously: "Net Contents One Gallon Salco A Ragus Product Salad Oil Full Measure"; "Net Weight Fl. Oz. 9 Salad Oil * * * Mrs. Brookes Pure Packed by Ragus Packing Corporation, Long Island City, New

York"; "Herold's Taste Tells Food Products Contents 8 Ozs. Salad Oil P. Herold & Sons Phila., Pa."

The article was alleged to be misbranded in that the statements, "Contenuto Un Gallone * * * Piena Misura" and "Net Contents One Gallon * * * Full Measure", with respect to a portion, "Net Weight Fl. Oz. 8" with respect to a portion, and "Contents 8 Ozs." with respect to a portion, borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was short of the declared volume.

On April 11, 1935, the defendants entered pleas of guilty to the information and the court imposed fines totaling \$150.

W. R. GREGG, *Acting Secretary of Agriculture.*

24560. Misbranding of jellies. U. S. v. 124 Cases of Assorted Jellies. Default decree of condemnation. Product delivered to charitable organization. (F. & D. no. 33123. Sample nos. 62270-A to 62273-A, incl.)

Sample jars of jellies taken from the shipment involved in this case were found to contain less than 14 ounces, the weight declared on the label.

On August 4, 1934, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cases of assorted jellies at Mabscott, W. Va., alleging that the article had been shipped in interstate commerce on or about March 7, 1934, by the C. H. Musselman Co., from Biglerville, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musselmans brand Contents 14 oz. * * * Jelly Manufactured by The C. H. Musselman Co. Biglerville, Pa. U. S. A."

The article was alleged to be misbranded in that the statement, "contents 14 oz", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, 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, the quantity being incorrectly stated.

On April 16, 1935, no appearance or answer having been filed, judgment of condemnation was entered. At the request of the shipper and consignee the product was ordered disposed of by delivery to a charitable organization.

W. R. GREGG, *Acting Secretary of Agriculture.*

24561. Adulteration and misbranding of chocolate-flavored egg malted milk. U. S. v. 17 5/6 Dozen Glasses of Kingco Egg Malted Milk Chocolate Flavor. Default decree of condemnation and destruction. (F. & D. no. 33245. Sample no. 6586-B.)

This case involved a product consisting of a mixture of sugar, skim milk, and flavor containing little or no egg or malted milk, which was labeled to indicate that it consisted principally of egg malted milk.

On or about August 14, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 5/6 dozen glasses of Kingco egg malted milk chocolate flavor at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about May 4, 1934, by the Doral Food Products Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Kingco Egg Malted Milk Chocolate Flavor * * * Egg Malted Milk, Dutch Cocoa, Chocolate Flavor, DeFatted Milk, Malt, Sugar Doral Food Products Co. Inc. New York City Complies with All Pure Food Laws."

The article was alleged to be adulterated in that sugar and skim milk had been mixed and packed therewith so as to reduce and lower its quality; in that a mixture of sugar, skim milk, and flavor containing little, or no, egg and little, or no, malted milk had been substituted for egg malted milk; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Egg Malted Milk" and "Complies with all Pure Food Laws", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*