

Wisconsin Leader Quality Potatoes Herman Hartwig Peshtigo, Wis. 100 Lbs. Net When Packed."

The potatoes were alleged to be adulterated in that potatoes of a lower grade than United States grade No. 1 had been substituted wholly or in part for potatoes of said grade which the potatoes purported to be.

The potatoes were alleged to be misbranded in that the statement, "U. S. No. 1 * * * Potatoes", borne on the sacks, was false and misleading, and in that by reason of said statement the potatoes were labeled so as to deceive and mislead the purchaser, since the statement represented that the potatoes were United States grade No. 1 potatoes; whereas, in fact, they were of a grade lower than said grade.

On November 18, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$5.

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

25277. Adulteration of butter. U. S. v. Henry L. Mickelson (Canton Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. no. 34043. Sample no. 7257-B.)

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

On June 21, 1935, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry L. Mickelson, trading as the Canton Creamery Co., Canton, S. Dak., charging shipment by said defendant in violation of the Food and Drugs Act, on or about August 4, 1934, from the State of South Dakota into the State of New York, 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 November 19, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25.

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

25278. Adulteration of butter. U. S. v. John Morrell & Co. Plea of guilty. Fine, \$50. (F. & D. no. 34044. Sample nos. 65747-A, 65749-A.)

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

On September 3, 1935, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Morrell & Co., a corporation, Sioux Falls, S. Dak., charging shipment by said defendant in violation of the Food and Drugs Act, on or about June 20, 1934, from the State of South 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 October 9, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50.

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

25279. Adulteration of canned sardines. U. S. v. California Packing Corporation. Plea of guilty. Fine, \$240. (F. & D. no. 34051. Sample nos. 12608-A, 41463-A, 41464-A, 41470-A, 41997-A, 56605-A, 61594-A, 61595-A, 61678-A, 61741-A, 62720-A, 72252-A, 72253-A, 72256-A, 72328-A.)

This case was based on interstate shipments of canned sardines which were found to be in part decomposed.

On July 12, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Packing Corporation, San Francisco, Calif., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about October 2, 4, 5, 10, 23, and 25, and November 15, 1933, from the State of California into the States of South Dakota, Colorado, Utah, Texas, New York, Montana, and Pennsylvania, of quantities of canned sardines which were adulterated.

The article was labeled, variously, in part: "Del Monte Brand Quality California Sardines Tomato Sauce California Packing Corporation Main Office

San Francisco, Calif. U. S. A.”; “Del Monte Brand Quality California Sardines Mustard California Packing Corporation Main Office San Francisco, Calif. U. S. A.”; “Madison’s Ideal Brand California Sardines Tomato Sauce California Packing Corporation Main Office San Francisco, Calif. U. S. A.”; “Sun-Kist Brand California Sardines Tomato Sauce California Packing Corporation Main Office San Francisco, Calif. U. S. A.”; “Argo Brand California Sardines In Tomato Sauce California Packing Corporation Main Office San Francisco, Calif. U. S. A.”

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

On December 28, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$240.

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

25280. Adulteration and misbranding of rum and butter toffee. U. S. v. M. J. Holloway & Co. Plea of guilty. Fine, \$20. (F. & D. no. 34052. Sample no. 6577-B.)

This case was based on an interstate shipment of an article described as rum and butter toffee, which contained artificial rum flavor and a fat other than butterfat, and the quantity of the contents of the package was not correctly stated.

On July 3, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against M. J. Holloway & Co., a corporation, Chicago, Ill., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about June 12, 1934, from the State of Illinois into the State of Connecticut of a quantity of an article, designated as “Holloway’s Rum & Butter”, which was adulterated. The article was labeled: “Holloway’s 5 Lbs. Net Wgt. Rum & Butter Manufactured by M. J. Holloway & Co. Chicago.”

The article was alleged to be adulterated in that a substance containing artificial rum flavor and a fat other than butterfat had been substituted for rum and butter toffee, a product flavored with natural rum flavor and prepared with butter as its source of fat, which the article purported to be. The article was alleged to be misbranded in 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 24, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$20.

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

25281. Adulteration and misbranding of tomato paste and tomato puree, and misbranding of canned tomatoes. U. S. v. Uddo-Taormina Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 34055. Sample nos. 66522-A, 66523-A, 3976-B, 4122-B, 4124-B, 4125-B, 4187-B.)

This case involved canned tomatoes which were below standard and which were not labeled to indicate that fact, also canned tomato paste and tomato puree which were insufficiently concentrated.

On September 23, 1935, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uddo-Taormina Corporation, trading at Crystal Springs, Miss., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about June 22 and July 10, 1934, from the State of Mississippi into the State of Louisiana, of quantities of canned tomatoes which were misbranded; and on or about June 26, July 10, and July 11, 1934, from the State of Mississippi into the State of Louisiana, of quantities of tomato paste and tomato puree which were adulterated and misbranded. The articles were labeled in part, variously: “Orla Brand * * * Tomatoes Distributed by Uddo-Taormina Corporation”; “Conco Brand Tomato Paste * * * Packed for Consolidated Companies Inc. Plaquemine, La.”; “Buffalo Brand Tomato Puree * * * Distributed by Uddo Taormina Corp. New Orleans, La.”

The tomato paste and tomato puree were alleged to be adulterated in that insufficiently condensed, strained tomato products made in part from tomato trimmings had been substituted in whole or in part for tomato paste and tomato puree, which the articles purported to be.

Misbranding of the tomato paste and the tomato puree was alleged for the reason that the statements, “Tomato Paste”, “Conserva Di Pomodoro”, “Tomato Puree”, and “Puree Di Pomodoro”, borne on the labels, were false and