

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

misleading and for the further reason that they were labeled so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted of tomato paste and tomato puree; whereas they did not so consist but did consist of insufficiently condensed, strained tomato products made in part from tomato trimmings. Misbranding of the tomato paste and tomato puree was alleged for the further reason that they were imitations of and were offered for sale under the distinctive names of other articles, namely, tomato paste and tomato puree.

Misbranding of the canned tomatoes was alleged for the reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since its color was not the naturally developed red of the mature red fruit of the tomato vine, as prescribed by said standard, and since it contained peel in excess of the maximum permitted by said standard, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On November 5, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

25282. Adulteration of butter. U. S. v. Perry J. Bradley and Vincent Michalak (Enterprise City Creamery). Pleas of guilty. Fines, \$75. (F. & D. no. 34077. Sample no. 11110-B.)

This case was based on a shipment of butter which contained less than 80 percent of milk fat.

On October 17, 1935, 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 Perry J. Bradley and Vincent Michalak, copartners, trading as the Enterprise City Creamery, Enterprise, Oreg., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about July 28, 1934, from the State of Oregon into the State of Washington 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 should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

On November 15, 1935, the defendants entered pleas of guilty and were fined \$75.

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

25283. Adulteration of tomato pulp and tomato puree. U. S. v. Houston H. Craig (Lapel Canning Co.). Pleas of guilty. Fine, \$25. (F. & D. no. 34079. Sample nos. 19756-B to 19759-B, incl.)

This case was based on shipments of tomato pulp and tomato puree which contained an excessive amount of decomposed material.

On September 5, 1935, 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 Houston H. Craig, trading as the Lapel Canning Co., Lapel, Ind., alleging shipments by said defendant in violation of the Food and Drugs Act, on or about October 22, October 25, November 2 and November 15, 1934, from the State of Indiana into the State of Ohio, of quantities of tomato pulp and tomato puree which were adulterated.

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed vegetable substances.

On October 11, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25.

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

25284. Adulteration of tomato puree. U. S. v. Barker Canning Corporation. Pleas of guilty. Fine, \$100. (F. & D. no. 34080. Sample nos. 24015-B to 24018-B, incl.)

This case was based on interstate shipments of tomato puree which was found to contain excessive mold.

On August 5, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Barker Canning Corporation, Barker, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 3, October 19, and November 7, 1934, from the State of New York into the State of Pennsylvania, of quantities of