

of the Food and Drugs Act, on or about June 8, 1935, from the State of Texas into the State of Missouri, of quantities of tomato puree which was adulterated. A portion of the article was labeled: "Valley Rose Brand Tomato Puree * * * Packed by Riona Products Co., Inc. McAllen Texas."

The remainder was labeled in part: "A and F Brand * * * Puree Packed. and shipped by Rio Grande Valley Canning Co. Edinburg, Texas."

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

On December 2, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

25328. Adulteration of dressed poultry. U. S. v. Mark Judson Goodrich (M. J. Goodrich). Plea of guilty. Fine, \$50 and costs. (F. & D. no. 36022. Sample no. 33550-B.)

This case was based upon a shipment of dressed poultry which was found to be in large part diseased and otherwise unfit for food.

On November 5, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mark Judson Goodrich, trading as M. J. Goodrich, Strawberry Point, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 7, 1935, from the State of Iowa into the State of Illinois, of a quantity of dressed poultry which was adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance and portions of animals unfit for food and was, in part, a product of diseased animals.

On December 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

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

25329. Adulteration of apple butter. U. S. v. Allison-Bedford Co. Plea of guilty. Fine, \$20 and costs. (F. & D. no. 36025. Sample nos. 33331-B, 33944-B.)

This case involved shipments of apple butter, samples of which were found to contain arsenic and lead in an amount that might have rendered the article injurious to health. Samples taken from one of the lots were found to contain parts of flies and other insects, rodent hairs, and a small amount of miscellaneous dirt.

On October 28, 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 the Allison-Bedford Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 9, 1935, from the State of Illinois into the State of Wisconsin, and on or about June 21, 1935, from the State of Illinois into the State of Michigan, of quantities of apple butter that was adulterated. A portion of the article was labeled: "Apple-Butter Distributed-By O. R. Pieper Co. Milwaukee Wisc." The remainder was labeled: "Glencrest Pure Apple Butter * * * Allison-Bedford Co. Chicago, Ill."

Both lots of the article were alleged to be adulterated in that they contained added poisonous and deleterious ingredients, namely, lead and arsenic in amounts which might have rendered them injurious to health. One lot was alleged to be adulterated for the further reason that it consisted in part of a filthy vegetable substance due to contamination with fly wings, insect heads, rodent hairs, and dirt.

On November 15, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$20.

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

25330. Adulteration and misbranding of malt sirup. U. S. v. 30½ Cases of Malt Syrup. Default decree of condemnation and destruction. (F. & D. no. 36126. Sample no. 32545-B.)

This product was adulterated and misbranded, since it was represented to be malt sirup; whereas it was not a malt product.

On August 10, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30½ cases of canned

malt sirup at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about June 14 and July 12, 1935, by the Dextora Co., from Indianapolis, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Pearl Brand Malt Syrup Hop Flavored * * * Exclusive Distributors L. Pearlstone St. Louis, Mo."

The article was alleged to be adulterated in that a nonmalt product had been mixed and packed therewith so as to reduce and lower its quality and has been substituted for malt sirup, and for the further reason that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "malt sirup", borne on the label, was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was offered for sale under the distinctive name of another article.

On October 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

25331. Adulteration and misbranding of alleged olive oil. U. S. v. 1 Drum of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 36138. Sample no. 22082-B.)

This case involved a product which was labeled as Italian olive oil, but which in fact consisted essentially of cottonseed oil with some olive oil present.

On August 16, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one drum of alleged olive oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 17, 1935, by the Venice Importing Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Drum) "Italian Olive Oil Filippo Berio * * * Lucca * * * Vic Brooklyn, N. Y."

The article was alleged to be adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality, and had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Italian Olive Oil Filippo Berio" and "Lucca", were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was essentially domestic cottonseed oil; for the further reason that it was offered for sale under the distinctive name of another article, namely, "Italian Olive Oil"; and for the further reason that it purported to be a foreign product, whereas it was essentially domestic cottonseed oil.

On October 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

25332. Adulteration of tomato catsup. U. S. v. 198 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 36155. Sample no. 37664-B.)

This case involved an interstate shipment of tomato catsup which was found to contain worm and insect debris.

On August 17, 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 a libel praying seizure and condemnation of 198 cases of tomato catsup at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 13, 1935, by Stokely Bros. & Co., from Oakland, Calif., to Tacoma, Wash., and thence reshipped in interstate commerce on or about August 2, 1935, to San Francisco, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Highway Brand Tomato Catsup * * * Packed for Western States Grocery Co. Inc. Seattle, Portland, Oakland."

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

On September 13, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

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