

product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On May 19, 1937, a plea of guilty was entered on behalf of the defendants and the court imposed a fine of \$25 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27295. Adulteration of tomato puree. U. S. v. William E. Everitt and Frank H. Everitt (Everitt Packing Co.). Plea of guilty. Fine, \$50. (F. & D. no. 38684. Sample no. 21495-C.)

Samples of this product were found to contain insect fragments and mold.

On April 9, 1937, 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 William E. Everitt and Frank H. Everitt, trading as the Everitt Packing Co., at Underwood, Ind., alleging shipment by said company in violation of the Food and Drugs Act on or about August 5, 1936, from the State of Indiana into the State of Missouri of a quantity of tomato puree that was adulterated. The article was labeled in part: "Deluxe Brand Tomato Puree * * * Packed Especially for Lowell-Krekeler Grocer Co. St. Louis, Mo."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 21, 1937, a plea of guilty was entered on behalf of the defendants, and the court entered judgment imposing a fine of \$50 against said defendants.

H. A. WALLACE, *Secretary of Agriculture.*

27296. Adulteration and misbranding of cream of tartar. U. S. v. Max Heller (Exeller Chemical Co.). Plea of guilty. Fine, \$50. (F. & D. no. 38594. Sample no. 72311-B.)

This product was represented to conform to the standard laid down in the United States Pharmacopoeia but fell below such standard and its own standard was not declared.

On April 1, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Max Heller trading as the Exeller Chemical Co., at Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about November 5, 1935, from the State of New York into the State of New Jersey of a quantity of cream of tartar that was adulterated and misbranded. The article was labeled in part: "Exeller Brand Cream of Tartar Pure U. S. P. Exeller Chemical Co. Brooklyn, N. Y."

It was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation since when dried to constant weight at 100° C., it contained less than 99.5 percent, namely, not more than 90.7 percent of potassium bitartrate, whereas the pharmacopoeia provides that potassium bitartrate, i. e., cream of tartar, when dried to constant weight at 100° C., shall contain not less than 99.5 percent of potassium bitartrate; and its own standard of strength, quality, and purity was not declared on the container.

The article was alleged to be misbranded in that the statement "Cream of Tartar * * * U. S. P.", borne on the cans, was false and misleading since it represented that the article was cream of tartar that conformed to the standard laid down in the United States Pharmacopoeia; whereas it was not cream of tartar which conformed to said standard.

On April 23, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50.

H. A. WALLACE, *Secretary of Agriculture.*

27297. Adulteration of butter. U. S. v. Producers Creamery Co. Plea of guilty. Fine, \$1 and costs. (F. & D. no. 38601. Sample no. 14524-C.)

This case involved butter that was deficient in milk fat.

On January 23, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Producers Creamery Co., a corporation, Kirksville, Mo., alleging shipment by said company in violation of the Food and Drugs Act on or about August 21, 1936, from the State of Missouri into the State of Illinois of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained 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 Congress of March 4, 1923, which the article purported to be.

On May 24, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$1 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27298. Adulteration of butter. U. S. v. Steensland Oil & Produce Co. Plea of guilty. Fine, \$25. (F. & D. no. 38672. Sample no. 9504-C.)

This case involved butter that was deficient in milk fat.

On April 28, 1937, 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 the Steensland Oil & Produce Co., a corporation, Beresford, S. Dak., alleging shipment by said company in violation of the Food and Drugs Act on or about October 29, 1936, from the State of South Dakota into the State of New York of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained 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 May 7, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

H. A. WALLACE, *Secretary of Agriculture.*

27299. Misbranding of Vitality Hog Balancer. U. S. v. Vitality Mills, Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 38686. Sample no. 2801-C.)

This product contained less protein than declared on the label. It contained no potassium iodide and no cane molasses—two ingredients which were declared—and did contain cottonseed hulls that were not declared.

On May 5, 1937, 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 Vitality Mills, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about August 17, 1936, from the State of Illinois into the State of Wisconsin of a quantity of feed that was misbranded. It was labeled: "Vitality 40% Hog Balancer Guaranteed Analysis Protein 40% * * * Manufactured by Vitality Mills, Inc., Chicago, Ill."

The article was alleged to be misbranded in that the statements, "Protein 40%" and "Ingredients Digester Tankage, Fish Meal, Soybean Oil Meal, Cottonseed Meal, Linseed Oil Meal, Alfalfa Meal, Flour Middlings, Cane Molasses, Bone Meal, Potassium Iodide, 2% Calcium Carbonate (from Limestone) 1% Salt", borne on the tag attached to the sacks containing the article, were false and misleading and in that it was labeled as aforesaid so as to deceive and mislead the purchaser since said statement represented that it contained 40 percent of protein and consisted wholly of digester tankage, fish meal, soybean-oil meal, cottonseed meal, linseed meal, alfalfa meal, flour middlings, cane molasses, bone meal, potassium iodide, calcium carbonate, and salt; whereas it contained less than 40 percent, namely, not more than 34.93 percent of protein, it contained no potassium iodide and no cane molasses, and did contain cottonseed hulls.

On June 8, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27300. Adulteration and misbranding of raisins. U. S. v. 497 Boxes, et al., of Raisins. Consent decrees of condemnation. Product released under bond for destruction of bad portion and relabeling of short-weight portion. (F. & D. nos. 38690, 38691. Sample nos. 10630-C, 15922-C, 15923-C, 15924-C, 15926-C.)

These cases involved raisins that were in part worm- and insect-infested, and a portion of which were short in weight.

On November 23, 1936, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 497 boxes and 945 cases of raisins at Jacksonville, Fla., alleging that they had been shipped in interstate commerce on or about October 12 and October 13, 1936, by Guggen-