

30529. Adulteration of tomato catsup and tomato juice cocktail. U. S. v. Curtice Bros. Co. Plea of nolo contendere. Fine, \$150. (F. & D. No. 42586. Sample Nos. 13816-D, 13817-D, 14160-D.)

These products contained excessive mold.

On October 31, 1938, 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 Curtice Bros. Co., a corporation, Rochester, N. Y., alleging shipment by said defendant, within the period from on or about February 7, 1938, to on or about March 15, 1938, from the State of New York into the State of Massachusetts of quantities of tomato catsup and tomato juice cocktail that were adulterated. The articles were labeled in part: "Blue Label Ketchup [or "Tomato Juice Cocktail"]."

They were alleged to be adulterated in that they consisted in whole or in part of filthy and decomposed vegetable substances, i. e., tomato products which were made from moldy tomatoes.

On March 13, 1939, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

30530. Adulteration of frozen eggs. U. S. v. Oliver G. Harp (O. G. Harp Poultry & Egg Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 42695. Sample No. 12135-D.)

This product was in whole or in part decomposed and putrid.

On April 24, 1939, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Oliver G. Harp, trading as O. G. Harp Poultry & Egg Co., Shawnee, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 17, 1938, from the State of Oklahoma into the State of New Jersey of a quantity of frozen eggs which were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 29, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

30531. Adulteration of flour. U. S. v. 26 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 45220. Sample No. 37154-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was infested with beetles, larvae, webbing, and excreta.

On April 22, 1939, 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 26 bags of flour at Sacramento, Calif.; alleging that the article had been shipped on or about July 31, 1937, by Crowther Bros. Milling Co. from Malad City, Idaho; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Big C Flour."

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

On May 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30532. Adulteration of tomato puree. U. S. v. Beech-Nut Packing Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 42641. Sample Nos. 768-D, 9514-D.)

This product contained excessive mold.

On February 6, 1939, 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 Beech-Nut Packing Co., a corporation, Rochester, N. Y., alleging shipment by said defendant within the period from on or about November 24, 1937, to on or about January 17, 1938, from the State of New York into the States of Florida and Pennsylvania, of quantities of tomato puree that was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Beech-Nut Brand * * * Tomato Puree."

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

On May 9, 1939, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

30533. Adulteration and misbranding of butter. U. S. v. 42 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 45182. Sample No. 57613-D.)

This product contained less than 80 percent of milk fat.

On March 24, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 cubes of butter at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about March 17, 1939, by Brooklawn Creamery Co. from Beaver, Utah; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged 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 provided by act of March 4, 1923.

Misbranding was alleged in that the statement "Sweet Cream Butter," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product which contained less than 80 percent of milk fat.

On April 14, 1939, the Brooklawn Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to legal standard under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

30534. Adulteration of frozen eggs. U. S. v. Ralph Hurst & Co. Plea of guilty. Fine, \$10. (F. & D. No. 42696. Sample No. 25613-D.)

This product was in part decomposed.

On April 14, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ralph Hurst & Co., a corporation, Kansas City, Mo., alleging shipment by said defendant on or about September 3, 1938, from the State of Missouri into the State of New Jersey, of a quantity of frozen eggs that were adulterated in violation of the Food and Drugs Act.

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

On May 8, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

30535. Adulteration of flour. U. S. v. 1,812 Bags of Flour. Portion of product (76 bags) ordered forfeited and released under bond. Remainder released unconditionally. (F. & D. No. 44325. Sample No. 34521-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination a portion was found to be insect-infested.

On or about November 22, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,812 bags of flour at Wilmington, N. C.; alleging that the article had been shipped on or about July 14, 1938, by Fisher Flouring Mills Co. from Seattle, Wash.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Red Tag Flour."

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

On December 13, 1938, 1,485 bags of flour having been seized, the Fisher Flouring Mills Co. filed a claim and an answer denying that the flour was adulterated. A subsequent investigation disclosed that the flour was from two different shipments and that but 76 of the bags seized were covered by the libel. On April 18, 1939, the court ordered that the 1,409 bags that were not covered by the libel be delivered to the claimant. On the same date, the claimant having consented, judgment of forfeiture was entered with respect to the