

12331. Misbranding of candy. U. S. v. Ameen Daher. Plea of guilty. Fine, \$25. (F. & D. No. 17702. I. S. Nos. 2581-v, 2702-v, 2704-v.)

On November 20, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ameen Daher, Atlantic City, N. J., alleging shipment by said defendant, in violation of the food and drugs act, as amended, in various consignments, namely, on or about November 21, 1922, and February 19 and March 14, 1923, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of candy which was misbranded. The article was labeled in part: "Daher's Salt Water Taffy One Pound Net 607 Boardwalk Atlantic City. N. J."

Examination by the Bureau of Chemistry of this department of 3 boxes taken from each of the consignments showed a variation in net weight from 14.95 ounces to 15.88 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the boxes containing the article, regarding the said article, was false and misleading in that the said statement represented that each of said boxes contained 1 pound net of candy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said boxes contained 1 pound net of candy, whereas, in truth and in fact, they did not, but each of said boxes contained a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12332. Adulteration of shell eggs. U. S. v. Farmers Union Produce Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 16235. I. S. No. 11006-t.)

On June 29, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Union Produce Co., a corporation, Quinter, Kans., alleging shipment by said company, in violation of the food and drugs act, on or about September 3, 1921, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Farmers Union, Quinter, Kans."

Examination by the Bureau of Chemistry of this department of five cases from the consignment showed that 207 eggs or 23 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that the article consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On April 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12333. Misbranding of potatoes. U. S. v. 200 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18709. I. S. No. 14999-v. S. No. E-4856.)

On May 29, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying the seizure and condemnation of 200 sacks of potatoes remaining in the original unbroken packages at Washington, D. C., consigned by the Wolverine Fruit & Produce Exchange, Grand Rapids, Mich., alleging that the article had been shipped on May 21, 1924, and transported from the State of Michigan into the District of Columbia, and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Michigan U. S. Grade No. 1. 150 Lbs. Net Wt. when packed." The remainder of the said article was labeled in part: "Net Weight when Packed 150 Lbs. U. S. Grade No. 1."