

On March 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 boxes of candy, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Puckhaber Bros. Candy Co., from Charleston, S. C., on or about January 28, 1931, and had been transported from the State of South Carolina into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Boxes) "120 Money Boxes Puckhaber Bros. Candy Co., Charleston, S. C.;" (display card inside box) "Try Your Luck Money Boxes 1 Cent Each. Open and Examine Before Purchasing."

It was alleged in the libel that the article was adulterated in that it contained a mineral substance, to wit, lead (in the form of metallic prizes), deleterious to health; and for the further reason that it contained an added deleterious ingredient, to wit, lead (in the form of metallic prizes), which might have rendered it injurious to health.

On May 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18422. Adulteration and misbranding of cheese. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 25009. I. S. No. 020362.)

Samples of cheese from the shipment herein described having been found to be deficient in milk fat and short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Mississippi.

On October 10, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation trading at West Point, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 16, 1929, from the State of Mississippi into the State of Louisiana, of quantities of cheese which was adulterated and misbranded. The article was marked variously: "20½, 21¾, 23¾, 22, 23½, 21¾, 23¾, 23, 22, 20½, 21½, 21¼, 22¾, 21¾, 20½, 19¾, 20¼, 20¼, 20, 22½, 22¾, 20¼, 21¾, 20¾, 23, 20¼, 21¾, 23, 21¼, 19, 20¼, 22½, 21, 22¼, 22, 22, 20¼, 22."

It was alleged in the information that the article was adulterated in that a substance deficient in milk fat had been substituted for the said article, and for the further reason that milk fat, a valuable constituent of the article, had been in part abstracted.

Misbranding was alleged for the reason that the statements of the weight of the article, appearing on the packages, except the package bearing the declared weight "19," were false and misleading, in that the statements represented that the article contained in pounds the amount marked thereon, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained in pounds the amount marked thereon, whereas the said cheese, with the exception of the one marked "19," contained less than so labeled. 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, since the actual contents of the packages were less than represented.

On April 7, 1931, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18423. Misbranding of butter. U. S. v. 160 Cases, et al., of Butter. Product ordered released under bond. (F. & D. Nos. 25274, 25275. I. S. Nos. 1664, 1670, 1671. S. Nos. 3493, 3494.)

Samples of print butter contained in 1-pound cartons, taken from the shipments herein described, having been weighed and found to be short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On October 6, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 198 cases of butter at El Paso, Tex., alleging that the article had been shipped by the Midwest Dairies (Inc.), from Portales, N. Mex., in part on or