

On October 7, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered that the imposition of sentence be suspended.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19432. Misbranding of oysters. U. S. v. Frank D. Neubert, Leo Neubert, and Charles A. Neubert (Castle Packing Co.). Plea of nolo contendere. Fines, \$30 and costs. (F. & D. No. 26544. I. S. Nos. 8821, 8824, 13446, 13502.)

This action involved the interstate shipment of quantities of oysters in cans which were represented to contain 1 gallon of the article, but which were found to contain less than so represented.

On July 24, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Frank D. Neubert, Leo Neubert, and Charles A. Neubert, a copartnership trading as the Castle Packing Co., Baltimore, Md., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, between November 18 and November 22, 1930, from the State of Maryland into the States of Pennsylvania, Indiana, and Kentucky, of quantities of oysters that were misbranded. The article was labeled in part: "Extra Selects [or "Extra Standards"] Castle Packing Co., Baltimore, Md. Minimum Volume 1 gallon."

It was alleged in the information that the article was misbranded in that the statement "Minimum Volume 1 Gallon" was false and misleading; and for the further reason that the article was so labeled as to deceive and mislead the purchaser, in that the said statement represented that the cans each contained 1 gallon of oysters; whereas they did not, but did contain 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, since the cans contained less than represented.

On September 8, 1931, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$10 and costs against each defendant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19433. Adulteration of tomato catsup. U. S. v. Earle M. Rush (Rush Canning Co.). Plea of guilty. Fine, \$10. (F. & D. No. 26596. I. S. Nos. 14253, 19667.)

This action involved the interstate shipment of quantities of tomato catsup which was found to contain excessive mold.

On August 22, 1931, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Earle M. Rush, trading as the Rush Canning Co., Bentonville, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about September 19, 1930, from the State of Arkansas into the State of Texas, and on or about October 8, 1930, from the State of Arkansas into the State of Kansas, of quantities of tomato catsup that was adulterated. The article was labeled in part: "Queen's Taste Brand Catsup * * * Packed by Rush Canning Co., Principal Office, Washburn, Mo."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On September 1, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19434. Adulteration of apples. U. S. v. 121 Baskets, et al., of Apples. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27078, 27082. I. S. Nos. 45252, 45254. S. Nos. 5325, 5326.)

Lead and arsenic having been found on samples of apples taken from the shipments herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On October 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 222 baskets of apples at Davenport, Iowa, alleging that the article had been shipped by G. F. Cadwell & Son, in part on or about September 17,