

19559. Adulteration and misbranding of apples. U. S. v. Ferdinand Hofmann. Plea of guilty. Fine, \$25. (F. & D. No. 19738. I. S. No. 15530-V.)

This action involved an interstate shipment of apples represented to be New York standard A grade, and which were found to be below grade with respect to size and quality.

On June 7, 1926, 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 of the United States for the district aforesaid an information against Ferdinand Hofmann, being one and the same person as Ferdinand Hoffmann, Fred Hoffman, and F. Hofmann, Rochester, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 13, 1925, from the State of New York into the State of Pennsylvania, of a quantity of apples that were adulterated and misbranded. The article was labeled in part: "New York Standard A Grade Baldwin Min. Size 2½ In. Min. Vol. 3 Bu. H. Harmer, Hilton, N. Y."

It was alleged in the information that the article was adulterated in that apples of a lower grade than New York standard A grade and of a minimum size less than 2½ inches in diameter, had been substituted in part for New York standard A grade apples of a minimum size not less than 2½ inches in diameter, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "New York Standard A Grade Min. Size 2½ In.," borne on the barrel containing the article, was false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser; since they consisted in part of apples of a lower grade than New York standard A grade and of a minimum size less than 2½ inches in diameter.

On March 15, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19560. Adulteration of canned blueberries. U. S. v. 1,756 Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25636. I. S. Nos. 9634, 15513. S. No. 3922.)

This action involved an interstate shipment of canned blueberries, samples of which were found to contain maggots and worms.

On January 7, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,756 cases of the said canned blueberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce by the Stinson & Crabtree Co., from Hancock, Me., to New York, N. Y., on or about August 16, 1930, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Calevan Brand Fancy Maine Blueberries. Packed by Stinson & Crabtree Co., Hancock, Me."

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

On April 25, 1932, the Stinson & Crabtree Co., Hancock, Me., having theretofore appeared as claimant, and no pleading motion or demurrer having been filed by the said claimant, default was noted and the court entered judgment ordering that the product be condemned, forfeited, and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19561. Adulteration of apples. U. S. v. 12 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27344. I. S. No. 24249. S. No. 5493.)

Arsenic and lead having been found on apples taken from the shipment involved in this action, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On December 14, 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 12 boxes of apples, remaining in the original packages at Harlingen, Tex., alleging that the article had been shipped in interstate commerce by the Pacific Fruit & Produce Co., from Wenatchee, Wash., on or about October 31, 1931, and charging adulteration in violation of the food and drugs act.