

21049. Adulteration of dried pears. U. S. v. 9 Cases of Dried Pears. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29936. Sample no. 21088-A.)

This case involved a shipment of dried pears found to contain arsenic and lead in amounts which might have rendered them injurious to health.

On February 27, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of nine cases of pears at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about November 24, 1932, by Rosenberg Bros. & Co., from San Francisco, Calif., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ensign Brand California Fancy Halves Pears."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On April 18, 1933, 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.

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

21050. Misbranding of candy. U. S. v. 162 Boxes of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29596. Sample no. 23879-A.)

This case involved an interstate shipment of candy which was short weight.

On December 7, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 162 boxes of confectionery at St. Louis, Mo., alleging that the article had been shipped in interstate commerce into the State of Missouri, on or about November 15 and November 18, 1932, by Mars, Inc., Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "The 3 Musketeers. Over ¼ pound * * * A Mars Confection Net Weight 4⅛ Oz."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Over ¼ pound" and "Net weight 4⅛ Oz.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On February 15, 1933, 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.

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

21051. Adulteration and misbranding of butter. U. S. v. Yerington Creamery Co. Plea of guilty. Fine, \$100. (F. & D. no. 30138. Sample nos. 504-A to 507-A, incl., 522-A, 12801-A, 12802-A.)

This action was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 19, 1933, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yerington Creamery Co., a corporation, Mason, Nev., alleging shipment by said company, in various shipments between June 13 and June 29, 1932, in violation of the Food and Drugs Act, from the State of Nevada into the State of California, of quantities of butter which was adulterated, and portions of which were also misbranded. The article was labeled variously: "Yerington Creamery Co., Mason, Nevada"; "Pasteurized Creamery Butter * * * From Yerington Creamery, Mason, Nevada"; "Mayrose Pasteurized Extra Creamery Butter * * * Distributed by Western Meat Co. U. S. A."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding of portions of the article was alleged for the reason that the statement, "Butter", on the packages, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On June 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

21052. Adulteration of dried peaches. U. S. v. 50 Cases of Dried Peaches. Default decree of destruction entered. (F. & D. no. 29999. Sample no. 22815-A.)

This case involved a shipment of dried peaches that were insect-infested.

On April 12, 1933, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of dried peaches at Mobile, Ala., alleging that the article had been shipped in interstate commerce, on March 2, 1933, by the California Prune & Apricot Growers Association, from Reedley, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Yellow Ribbon Brand Yellow Peaches Prepared with Sulphur Dioxide California Peach and Fig Growers Association, Fresno, Calif."

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

On June 24, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

21053. Misbranding of potatoes. U. S. v. 255 Sacks of Potatoes. Decree ordering product destroyed unless properly relabeled. (F. & D. no. 30507. Sample no. 39002-A.)

This case involved a shipment of potatoes, sample sacks of which contained less than 100 pounds, the declared weight.

On May 24, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 255 sacks of potatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 18, 1933, by the Terrebonne Cooperative Association, from Houma, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Louisiana Triumphs, 100 lbs. net when packed Houma Brand, Grown and packed by Terrebonne Cooperative Association, Houma, La."

It was alleged in the libel that the article was misbranded in that the statement on the label, "100 lbs. net", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 26, 1933, the Terrebonne Cooperative Association, Houma, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the property be destroyed unless the claimant pay costs of the proceedings, and file in court a statement within 10 days, signed by a representative of this Department, showing that the sacks had been relabeled to show the correct weight.

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

21054. Misbranding of potatoes. U. S. v. 266 Sacks of Potatoes. Consent decree of destruction. (F. & D. no. 30540. Sample no. 39005-A.)

This case involved a shipment of potatoes in sacks which were not labeled with a statement of the quantity of the contents, as required by law.

On May 29, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 266 sacks of potatoes at Memphis, Tenn., alleging that the article had been shipped by the Terrebonne Cooperative Association, from the State of Louisiana into the State of Tennessee, on or about May 18, 1933, and charging misbranding in violation of