

and Drugs Act, on or about March 12, 1931, from the State of Pennsylvania into the State of New York, of a quantity of milk chocolate coating which was adulterated and misbranded. The article was labeled, imprint on cake) "Pennsylvania Chocolate Company Pittsburgh." and was invoiced "Golden Milk Chocolate Coating."

It was alleged in the information that the article was adulterated in that a product prepared with skim milk had been substituted for a product prepared with whole milk, which the article purported to be.

Misbranding was alleged for the reason that the article was a product containing skim milk, prepared in imitation of milk chocolate coating, and was offered for sale and sold under the distinctive name of another article, namely, milk chocolate coating.

On May 25, 1933, a plea of not guilty having been entered on behalf of the defendant company, the case came on for trial before the court and a jury. The trial was completed on May 26, 1933, on which date the jury returned a verdict of guilty on both counts of the information and the court imposed a fine of \$200 and costs.

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

21152. Adulteration of butter. U. S. v. Farmers Cooperative Creamery and Marketing Association. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 29423. Sample no. 11003-A.)

This case was based on a shipment of butter that was deficient in milk fat.

On February 11, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmers Cooperative Creamery & Marketing Association, a corporation, Boone, Iowa, alleging shipment by said defendant company, in violation of the Food and Drugs Act, on or about May 14, 1932, from the State of Iowa into the State of New York, of a quantity of butter that was adulterated.

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

On May 5, 1933, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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

21153. Adulteration of apples. U. S. v. 272 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 30086. Sample no. 31252-A.)

This case involved a shipment of apples that were found to bear arsenate of lead in an amount which might have rendered them injurious to health.

On March 7, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 272 boxes of apples at Missoula, Mont., alleging that the article had been shipped in interstate commerce, on or about February 17, 1933, by the Pacific Fruit & Produce Co., from Spokane, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Combination Extra Fancy & Fancy Delicious * * * Bulls Eye Grower Shipper C. M. Lockwood Opportunity, Wash."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenate of lead, in an amount which might have rendered it injurious to health.

On May 17, 1933, no claimant having appeared for the property, judgment of condemnation 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.*

21154. Misbranding of canned pears. U. S. v. 84 Cases and 19 Cases of Canned Pears. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30094. Sample nos. 36095-A, 36096-A.)

This case involved an interstate shipment of canned pears which were water-packed, and which were not labeled to show that they fell below the standard for canned pears established by this Department.

On April 18, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 103 cases of canned pears at Denver, Colo., consigned by the Independent Grocers Alliance, alleging that the article had been shipped in interstate commerce on or about February 15, 1933, from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Jordan [or "Chef"] Brand Pears."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because it consisted of water-packed pears, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 3, 1933, the J. S. Brown Mercantile Co., Denver, Colo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

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

21155. Adulteration of apple pomace. U. S. v. 348 Bags, et al., of Apple Pomace. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30360, 30432. Sample nos. 30586-A, 30587-A, 37566-A.)

These cases involved shipments of apple pomace found to contain arsenic and lead in amounts which might have rendered it injurious to health.

On April 28 and May 8, 1933, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 868 bags of apple pomace at Baltimore, Md., alleging that the article had been shipped in interstate commerce from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The libels charged that the shipments had been made from Portland, Oreg., that one shipment had been made in the name of Jones Bros. & Co., on or about October 24, 1932; that one had been made in the name of the Jones Bros. Co., Division of the Speas Manufacturing Co., on or about December 10, 1932; and that one shipment had been made in the name of the Speas Manufacturing Co., on or about February 13, 1933.

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

On June 2, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

21156. Adulteration of butter. U. S. v. Knoxville Cooperative Creamery. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 30180. Sample no. 11877-A.)

This action was based on an interstate shipment of butter, samples of which were found to be deficient in milk fat, since they contained less than 80 percent by weight of milk fat, the standard provided by act of Congress.

On May 20, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Knoxville Cooperative Creamery, a corporation, Knoxville, Iowa, alleging shipment by said company, on or about June 23, 1932, in violation of the Food and Drugs Act, from the State of Iowa into the State of New York, of a quantity of butter that was adulterated.

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 that should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923.

On May 31, 1933, 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.

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