

plainly and conspicuously marked on the outside of the package, since the packages contained less than declared.

On December 13, 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.*

21736. Misbranding of peanut butter and salad mustard. U. S. v. Curtiss Candy Co. Plea of guilty. Fine, \$50. (F. & D. no. 29386. I.S. nos. 12777, 36433.)

This case was based on interstate shipments of peanut butter and salad mustard that were found to be short weight.

On April 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Curtiss Candy Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 29, 1931, from the State of Illinois into the State of Washington, of a quantity of peanut butter, and on or about August 13 and August 15, 1931, from the State of Illinois into the State of Indiana, of quantities of salad mustard, which products were misbranded. The articles were labeled respectively: "De Lish Net Wt. 1 Lb. Peanut Butter Curtiss Candy Co., Chicago, Ill."; "De Lish Net Wt. 2 Lbs. Salad Mustard Curtiss Candy Co. Chicago, Ill."

It was alleged in the information that the articles were misbranded in that the statements on the labels, "Net Wt. 1 Lb." and "Net Wt. 2 Lbs.", were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the jars of peanut butter contained less than 1 pound net, and the jars of salad mustard contained less than 2 pounds net. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements of weight were incorrect.

On December 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

21737. Adulteration of apple pomace. U. S. v. 230 Sacks of Apple Pomace. Default decree of destruction. (F. & D. no. 31143. Sample no. 42684-A.)

This action involved an interstate shipment of apple pomace that contained arsenic and lead in amounts that might have rendered the article injurious to health.

On September 21, 1933, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 230 sacks of apple pomace at Louisville, Ky., alleging that the article had been shipped on or about August 23, 1933, from Medina, N.Y., having been consigned by W. E. Mathes Vinegar Co., and charging adulteration in violation of the Food and Drugs Act.

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 injurious to health.

On November 17, 1933, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

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

21738. Adulteration of apples. U. S. v. 490 Bushels and 526 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond for washing. (F. & D. nos. 31246, 31652. Sample nos. 55908-A, 59402-A, 59453-A.)

These cases involved interstate shipments of apples that were found to contain arsenic and lead in amounts that might have rendered the article injurious to health.

On or about September 26 and November 2, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,016 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce from Hart, Mich., in part on or about September