

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

15, 1933, by Thomas S. Smith, and in part on or about September 29, 1933, by Thomas S. Smith Co., and charging adulteration in violation of the Food and Drugs Act. The former libel charged that the article contained arsenic and was amended because examination subsequent to its filing showed the presence of lead as well as arsenic.

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

On November 14, 1933, the cases having been consolidated and Thomas S. Smith & Co., Hart, Mich., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that the apples be washed under the supervision of this Department in order to remove the deleterious ingredients.

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

21739. Adulteration and misbranding of dried buttermilk. U. S. v. 135 Bags of Dried Buttermilk. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 31276. Sample no. 14139-A.)

This case involved a shipment of a product which was represented to be dried buttermilk, but which consisted of dried skimmed milk. Examination also showed that the article contained less fat than labeled.

On October 26, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 135 bags of dried buttermilk at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 26, 1933, by the Universal By-Products Co., from Oakland, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Pure Dried Buttermilk Manufactured by Universal By-Products Co. San Francisco, Calif. Guaranteed Analysis * * * Crude Fat not less than 5.05%."

It was alleged in the libel that the article was adulterated in that dried skimmed milk had been substituted wholly or in part for dried buttermilk, which the article purported to be.

Misbranding was alleged for the reason that the statements on the tag, "Pure Dried Buttermilk" and "Crude Fat Not Less than 5.05%", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 10, 1933, the Baltimore Feed & Grain Co., Baltimore, Md., having consented to the entry of a decree, 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 \$1,000, conditioned in part that it be relabeled.

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

21739-a Adulteration of canned huckleberries. U. S. v. 63 Cases, et al., of Canned Huckleberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31310, 31544, 31579, 31601, 31605, 31644. Sample nos. 51337-A, 51338-A, 58651-A, 58652-A, 58660-A.)

These cases involved various shipments of canned huckleberries that were found to contain maggots.

On November 1, 4, and 13, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 322 cases of canned huckleberries at Philadelphia, Pa. On November 18 and 22, 1933, the United States attorney for the Southern District of New York filed libels against 249 cases of canned huckleberries at New York, N.Y., and on November 27, 1933, a libel was filed in the District of New Jersey against 147 cases of the product at Burlington, N.J. It was alleged in the libels that the article had been shipped in interstate commerce by Ivan Pettit, from Burlington, N.J., into the States of Pennsylvania and New York, respectively; that the shipments covered the period from August 10, 1933, to October 11, 1933; that 147 cases of the product had been reshipped by the consignee at New York, N.Y., to Burlington, N.J.; and that the article was adulterated in violation of the