

On October 27, 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 an information against the Harrow-Taylor Butter Co., a corporation, Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 8, 1932, from the State of Missouri into the State of New Jersey, 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 of milk fat as provided by the act of March 4, 1923.

On February 12, 1934, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

**21896. Adulteration of apples. U. S. v. Kemp Ross and Paul McKercher. Plea of nolo contendere by Paul McKercher. Fine, \$15. Plea of guilty by Kemp Ross. Fine, \$15. (F. & D. no. 30270. I.S. nos. 52972, 52974, 53478.)**

This case was based on interstate shipments of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On August 19, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Kemp Ross and Paul McKercher, Wenatchee, Wash., theretofore President and Secretary-Treasurer of McKercher & Ross, a corporation organized and existing under the laws of the State of Washington, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about March 22, March 24, and March 26, 1932, from the State of Washington into the State of Minnesota, of quantities of apples that were adulterated. The article was labeled in part: "Bull's-Eye Brand Fruit Scobel & Day Distributors \* \* \* Apples Grown by N. E. Derry, Wenatchee, Wash."

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

On September 1, 1933, defendant Paul McKercher entered a plea of nolo contendere, and the court imposed a fine of \$15. On October 25, 1933, defendant Kemp Ross entered a plea of guilty, and the court imposed a fine of \$15.

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

**21897. Adulteration of butter. U. S. v. Farmers Union Cooperative Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 30274. Sample no. 27861-A.)**

This case involved a shipment 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 November 7, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmers Union Cooperative Creamery Co., a corporation, Fremont, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 1, 1932, from the State of Nebraska into the State of California, 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 of milk fat as provided by the act of March 4, 1923.

On January 4, 1934, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$25 and costs.

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

**21898. Adulteration and misbranding of peaches. U. S. v. 500 Baskets of Fresh Peaches. Default decree of forfeiture. Product ordered sold. (F. & D. no. 30661. Sample no. 39787-A.)**

This case involved a shipment of peaches that were below the grades indicated on the baskets.

On June 23, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the dis-

strict court a libel praying seizure and condemnation of 500 baskets of peaches at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 17, 1933, by Britt & Co., from Thomaston, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "1 $\frac{5}{8}$  inches" and "1 $\frac{3}{4}$  inches", respectively.

It was alleged in the libel that the article was adulterated in that peaches below the grades indicated on the labels had been substituted for it.

Misbranding was alleged for the reason that the statements on the labels, "1 $\frac{5}{8}$  inches" and "1 $\frac{3}{4}$  inches", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was sold under the distinctive name of another article.

On June 23, 1933, the court ordered the United States marshal to sell the peaches and pay the proceeds into court. On June 27, 1933, Sawyer & Co., Inc., Boston, Mass., filed an intervening petition and claim for commission, freight, etc. On June 28, 1933, a decree was entered sustaining the allegations of the libel. On September 5, 1933, a final decree was entered ordering that the claim of Sawyer & Co., Inc., be paid and the balance paid into the United States Treasury.

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

**21899. Adulteration of apple pomace. U. S. v. 300 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30878. Sample no. 36422-A.)**

This case involved a shipment of apple pomace that contained arsenic and lead.

On August 9, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 bags of apple pomace at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 6, 1933, by the National Fruit Product Co., from Winchester, Va., 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 and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On or about September 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.*

**21900. Adulteration of canned shrimp. U. S. v. 85 Cases, et al., of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. nos. 30901, 30902, 30903, 30904. Sample nos. 49801-A, 49802-A, 49803-A, 57273-A.)**

These cases involved canned shrimp that was in part decomposed.

On August 14, 1933, 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 libels praying seizure and condemnation of 262 cases of canned shrimp in part at Rochester, N.Y., and in part at Elmira, N.Y., alleging that the article had been shipped in interstate commerce on or about July 10, 1933, by the C. B. Foster Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Miss—Lou Brand—Wet Pack \* \* \* Shrimp—Packed By C. B. Foster Packing Company, Inc. Biloxi, Miss."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On September 20, 1933, the cases having been consolidated and the Wille-Dahl Co., Inc., Syracuse, N.Y., 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 the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the decomposed portions be segregated and destroyed.

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