

by weight of milk fat as defined and required by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as defined and required by the said act of Congress.

On May 29, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

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

**22486. Adulteration and misbranding of butter. U. S. v. Carstens Packing Co. Plea of guilty. Fine, \$150 and costs. (F. & D. no. 31501. Sample no. 31198-A.)**

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat, and that was not labeled to show the quantity of the contents of the packages.

On May 9, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carstens Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 23, 1933, from the State of Washington into the Territory of Alaska, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Diamond T—C Brand Pasteurized Butter \* \* \* This butter is guaranteed by the Carstens Packing Co."

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 March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the package, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the said act of Congress, whereas it contained less than 80 percent of milk fat. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 28, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

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

**22487. Adulteration of evaporated apples. U. S. v. Edward Welkley (Welkley Bros.). Plea of guilty. Fine, \$25. (F. & D. no. 31509. Sample nos. 35117-A, 35118-A.)**

This case was based on an interstate shipment of evaporated apples. A sample taken from the product was found to contain mouse and rat excreta; a second sample contained dirty pieces, and showed evidence of storage-insect infestation and some orchard-insect infestation.

On April 16, 1934, 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 an information against Edward Welkley, a member of a partnership trading as Welkley Bros., Medina, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 13, 1933, from the State of New York into the State of Ohio, of a quantity of evaporated apples which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 16, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

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

**22488. Adulteration of apple butter. U. S. v. D. B. Scully Syrup Co. Plea of guilty. Fine, \$50. (F. & D. no. 31512. Sample no. 33962-A.)**

This case was based on an interstate shipment of apple butter. samples of which were found to be contaminated with insects.

On May 1, 1934, 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 D. B. Scully Syrup Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 13, 1932, from the State of Illinois into the State of Michigan, of a quantity of apple butter which was adulterated. The article was labeled in part: "Scully's Pure Apple Butter \* \* \* Packed by D. B. Scully Syrup Co., Chicago, Ill."

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**22489. Adulteration of apples. U. S. v. Clyde H. Harris (Harris Cold Storage).** Plea of guilty. Fine, \$50. (F. & D. no. 31515. Sample no. 29448-A.)

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

On May 16, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clyde H. Harris, trading as Harris Cold Storage, Freewater, Oreg., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 5, 1933, from the State of Oregon into the State of California, of a quantity of apples which were adulterated.

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 May 24, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$50.

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

**22490. Adulteration and misbranding of butter. U. S. v. Thomas D. Rider (Dunlap Creamery Co.).** Plea of guilty. Fine, \$2 and costs. (F. & D. no. 31529. Sample no. 40638-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat, and that was not labeled to show the quantity of the contents of the packages.

On April 30, 1934, 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 Thomas D. Rider, trading as the Dunlap Creamery Co., Dunlap, Iowa, alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about June 9, 1933, from the State of Iowa into the State of Illinois, of a quantity of butter which was adulterated and misbranded.

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 by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 22, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$2 and costs.

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

**22491. Misbranding of canned cherries. U. S. v. 175 Cases of Canned Cherries.** Product released under bond to be relabeled. (F. & D. no. 31617. Sample no. 56289-A.)

This case involved a shipment of canned cherries which contained excessive pits and which were not labeled to indicate that they were substandard.

On or about December 8, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 cases of canned cherries at Fort Worth, Tex., alleging that the article had been shipped