

district court an information against Lester O. Casperson, a member of a partnership trading as O. Casperson & Sons, San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about March 22, 1933, from the State of California to Honolulu, Hawaii, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Net Weight One Pound Buttercup Brand Creamery Butter * * * Packed and Distributed by O. Casperson & Sons, San Francisco Quarters"; (wrapper on cube) "Net Weight 4 Ounces When Packed."

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 statements, "Butter", "Net Weight One Pound", and "Net Weight 4 Ounces", borne on the cartons and wrappers, were 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 prescribed by law, in that it contained less than 80 percent of milk fat, the cartons contained less than 1 pound, and the cubes contained less than 4 ounces.

On June 29, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$250.

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

22721. Adulteration and misbranding of milk chocolate. U. S. v. Washington Chocolate Co. Plea of guilty. Fine, \$100. Sentence suspended on payment of costs, and defendant placed on probation for 3 years. (F. & D. no. 32104. Sample no. 37023-A.)

This case was based on a shipment of a product represented to be milk chocolate but which was composed in part of skim milk solids.

On June 25, 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 Washington Chocolate Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 1, 1933, from the State of Washington into the State of Oregon, of a quantity of milk chocolate which was adulterated and misbranded. The article was labeled in part: (Carton) "Western Milk * * * Washington Chocolate Co. Manufacturers of Cocoa & Chocolate, Seattle, U. S. A.", and was invoiced as "Western Milk."

It was alleged in the information that the article was adulterated in that a product composed in part of skim milk solids had been substituted in whole and in part for milk chocolate.

Misbranding was alleged for the reason that the article was a mixture composed in part of skim-milk solids and was offered for sale under the distinctive name of another article, "Western Milk", i. e., milk chocolate.

On July 30, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100, with execution suspended for 3 years, conditioned that costs be paid and that the defendant commit no like offense within that period.

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

22722. Misbranding of peaches. U. S. v. J. Linn Helms (Hoyle & Helms). Plea of guilty. Fine, \$25. (F. & D. no. 32125. Sample no. 8700-A.)

This case was based on a shipment of peaches that contained an excessive number of peaches below the minimum size declared on the labels.

On June 21, 1934, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. Linn Helms, trading as Hoyle & Helms, Thomaston, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 14, 1933, from the State of Georgia into the State of New York, of quantities of peaches which were misbranded. The article was labeled in part: "Brooks Mountain Brand Fancy Georgia Peaches Grown Packed and Shipped by Hoyle and Helms, Thomaston, * * * Georgia. * * * Early Rose 1 $\frac{7}{8}$ in. Min. * * * Minimum 2 in. * * * Red Bird 2 $\frac{1}{4}$ In. * * * U. S. No. 1."

It was alleged in the information that the article was misbranded in that the statements, "Fancy Georgia Peaches * * * 1 $\frac{7}{8}$ Min. * * * Minimum 2 in. * * * 2 $\frac{1}{4}$ In.", borne on the baskets, were false and misleading,

and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the baskets labeled "1 $\frac{7}{8}$ in. Min." contained peaches of less than 1 $\frac{7}{8}$ inches minimum diameter, the baskets labeled "2 in." contained peaches of less than 2 inches minimum diameter, and the baskets labeled "2 $\frac{1}{4}$ In." contained peaches of less than 2 $\frac{1}{4}$ inches minimum diameter.

On June 29, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25.

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

22723. Adulteration of tullibeas. U. S. v. Sivert A. Selvog (Warroad Fish Co.). Plea of guilty. Fine, \$150. (F. & D. no. 32140. Sample nos. 32142-A, 32145-A, 32146-A, 43246-A, 35450-A.)

This case was based on several interstate shipments of tullibeas which were infested with worms.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sivert A. Selvog, trading as the Warroad Fish Co., Warroad, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 20, June 3, June 5, and July 8, 1933, from the State of Minnesota into the State of New York, and on or about June 17, 1933, from the State of Minnesota into the State of Illinois, of quantities of tullibeas which was adulterated. The article was labeled in part: "Warroad Fish Co., Warroad, Minn."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance; and in that it consisted of portions of animals unfit for food.

On June 25, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$150.

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

22724. Adulteration of butter. U. S. v. Harry Peterson (Arrow Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. no. 32150. Sample no. 38297-A.)

This case was based on a shipment of butter that contained less than 80 percent of milk fat.

On June 26, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry Peterson, trading as the Arrow Creamery Co., Salt Lake City, Utah, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 8, 1933, from the State of Utah into the State of California, of a quantity of butter which 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 required by the act of Congress of March 4, 1923, which the article purported to be.

On July 21, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25.

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

22725. Misbranding of canned mixed vegetables. U. S. v. Rocky Mountain Packing Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 32168. Sample no. 13740-A.)

This case was based on a shipment of canned mixed vegetables which were represented to include certain vegetables not contained in the article.

On June 9, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rocky Mountain Packing Corporation, Ephraim, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about March 17, 1932, from the State of Utah into the State of California, of a quantity of canned mixed vegetables which were misbranded. The article was labeled in part: (Can) "Manti Brand * * * Fancy Mixed Vegetables * * * Distributed By Rocky Mountain Packing Corporation, Salt Lake City, Utah Manti Brand [vignette of vegetables]."

It was alleged in the information that the article was misbranded in that the statement, "Fancy Mixed Vegetables", and the design of a plate of peas, string beans, celery, pimentos, and lettuce, borne on the label, were false and