

**23887. Misbranding of potatoes. U. S. v. John H. Morrison. Plea of guilty. Fine, \$1. (F. & D. no. 32229. Sample no. 46451-A.)**

Sample sacks of potatoes taken from the shipment involved in this case were found to contain less than 100 pounds, the weight declared on the label.

On July 23, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John H. Morrison, trading as J. H. Morrison, Lockport, La., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 25, 1933, from the State of Louisiana into the State of Illinois, of a quantity of potatoes which were misbranded. The article was labeled in part: "100 Lbs. Net When Packed Triumph Potatoes LaFourche Valley."

The article was alleged to be misbranded in that the statement "100 Lbs. Net" was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since practically all of the sacks examined were found to contain less than 100 pounds of the article. 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, since the statement made was incorrect.

On December 13, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$1.

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

**23888. Adulteration of apples. U. S. v. William Hamlin. Plea of guilty. Fine, \$50. (F. & D. no. 32234. Sample no. 59451-A.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts which might have rendered them injurious to health.

On July 24, 1934, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Hamlin, Glenn, Mich., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about October 24, 1933, from the State of Michigan into the State of Illinois, of a quantity of apples which were adulterated. The article was labeled in part: "Will Hamlin Glenn Mich. Spy."

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

On November 9, 1934, the defendant entered a plea of guilty to the information and the court imposed a fine of \$50.

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

**23889. Misbranding of olive oil. U. S. v. 40 Cans of Olive Oil. Tried to a jury. Verdict for the Government. Judgment of condemnation, forfeiture, and sale. (F. & D. no. 32285. Sample no. 67054-A.)**

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the volume declared on the label.

On March 9, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cans of olive oil at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about January 16, 1934, by the Rome Importing Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon superfine Olive Oil \* \* \* Rome Brand \* \* \* Olio d'Oliva \* \* \* marca Roma."

The article was alleged to be misbranded in that the statement "Net Contents One Gallon" was false and misleading and tended to deceive and mislead the purchaser. 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, since the statement made was incorrect.

On November 15, 1934, the Rome Importing Co., having filed an answer denying the material allegations of the libel, the case came on for trial before jury. Evidence was introduced on behalf of the Government, at the con-