

**24241. Adulteration of evaporated apple chops. U. S. v. LeVerne Bacon. Plea of guilty. Sentence, \$25 fine; payment suspended. (F. & D. no. 33831. Sample no. 50557-A.)**

This case was based on an interstate shipment of evaporated apple chops which were found to be in part insect-infested, decomposed, and dirty. Examination further showed the presence of arsenic and lead in amounts that might have rendered the article injurious to health.

On December 10, 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 LeVerne Bacon, Medina, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 3, 1934, from the State of New York into the State of Kentucky of a quantity of evaporated apple chops billed as evaporated apples, which were adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed vegetable substance, and in that it contained added poisonous and deleterious ingredients, namely, arsenic and lead, in amounts which might have rendered it injurious to health.

On March 15, 1935, the defendant entered a plea of guilty and was sentenced to pay a fine of \$25. Payment of the fine was ordered suspended.

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

**24242. Adulteration and misbranding of Cherri-Berri. U. S. v. Vinelands Products Co. Plea of guilty. Fine, \$10. (F. & D. no. 33832. Sample no. 58741-A.)**

This case was based on an interstate shipment of a product known as "Cherri-Berri" which consisted of grapes artificially flavored and colored in imitation of maraschino cherries, and which contained undeclared added sodium benzoate.

On November 22, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Vinelands Products Co., a corporation, Vineland, N. J., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 17, 1934, from the State of New Jersey into the State of Pennsylvania, of a quantity of Cherri-Berri which was adulterated and misbranded. The article was labeled in part: "Large Cherri-Berri For Dipping Brandle & Smith Co. 5th & Bristol Sts Phila. Pa."

The article was alleged to be adulterated in that grapes artificially flavored and colored in imitation of maraschino cherries and containing undeclared added sodium benzoate, had been substituted for maraschino cherries, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Large Cherri-Berri For Dipping", 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 the said statement represented that the article was large maraschino cherries used for dipping in chocolate to produce chocolate-covered cherries; whereas it was not as so represented but consisted of grapes artificially flavored and colored in imitation of maraschino cherries, and contained undeclared added sodium benzoate. Misbranding was alleged for the further reason that the article was an imitation of another article, namely, maraschino cherries, and for the further reason that it was offered for sale under the distinctive name of another article.

On January 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

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

**24243. Misbranding of cottonseed meal. U. S. v. Planters Cotton Oil Co. of Dallas. Confession of judgment. Fine, \$100. (F. & D. no. 33839. Sample no. 63705-A.)**

This case was based on an interstate shipment of cottonseed meal that contained less than 43 percent of protein, the amount declared on the label.

On November 13, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Planters Cotton Oil Co. of Dallas, a corporation, Dallas, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 9, 1934, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: " 'Golden Rod' 43% Protein Cottonseed Cake or Meal Prime Quality Manufactured By or For Planters