

tively: "Water Fresh Prunes U/L Jacobson Shealy Co. San Francisco, Calif. F. H. Co."; "Newmark Brand Special Extra Packed in Water Pitted Red Cherries Packed for M. A. Newmark & Co. Los Angeles U. S. A. Net Contents 1 Lb. 4 Oz."

The information charged that the canned prunes were adulterated in that they consisted in part of a decomposed vegetable substance.

Misbranding was alleged with respect to the canned pitted cherries for the reason that the statements, "Special Extra Pitted Red Cherries" and "Net Contents 1 Lb. 4 Oz.", borne on the label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser since the said statements represented that the article was special extra pitted red cherries and that each of the cans contained 1 pound 4 ounces thereof; whereas it was not special extra pitted red cherries but was partially pitted cherries and the cans contained less than 1 pound 4 ounces. Misbranding of the canned cherries was alleged for the further reason that partially pitted red cherries had been offered for sale under the distinctive name of another article, namely, pitted red cherries, and 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. Misbranding of the canned cherries was alleged for the further reason that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department, indicating that it fell below such standard.

On January 29, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$180.

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

24251. Misbranding of bread. U. S. v. The Star Baking Co. Plea of guilty. Fine, \$40. (F. & D. no. 33884. Sample nos. 03-B, 04-B.)

This case was based on interstate shipments of bread which was found to be short weight.

On December 28, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Star Baking Co., a corporation, Colorado Springs, Colo., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 9, 1934, from the State of Colorado into the State of Kansas, of a quantity of bread which was misbranded. The article was labeled in part: "Town Talk Sliced Bread 18 oz. or Over The Star Baking Company Colorado Springs, Colo."

The article was alleged to be misbranded in that the statement, "18 Oz. or Over", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of loaves examined contained less than 18 ounces. 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 it was not stated in terms of the largest unit, namely, in pound and ounces, and in that the quantity of the contents was less than 1 pound and 2 ounces.

On January 10, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$40.

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

24252. Misbranding of apple butter. U. S. v. Hulman & Co Plea of guilty. Fine, \$50. (F. & D. no. 33906. Sample nos. 68613-A, 68614-A.)

This case was based on interstate shipments of apple butter which was found to be short weight.

On January 21, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hulman & Co., a corporation, Terre Haute, Ind., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 10 and February 14, 1934, from the State of Indiana into the State of Illinois of quantities of apple butter which was misbranded. A portion of the article was labeled: (Can) "Farmers Pride Brand Contents 4 Lb. 6 Oz. Avd. * * * Pure Apple Butter Hulman &

Co. Manufacturers Terre Haute, Ind." The remainder was labeled: (Jar) "2 Lbs. Avd. Crystal Brand Apple Butter Manufactured By Hulman & Co. Terre Haute, Ind."

The article was alleged to be misbranded in that the statements, "Contents 4 Lb. 6 Oz. Avd." and "Net Contents 4 Lbs. 6 Oz. Avd.", with respect to a portion of the product, and the statement, "2 Lbs. Avd.", with respect to the remainder, borne on the can and jar labels, were false and misleading and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser since the cans and jars contained less than declared. 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 packages, since the statements made were incorrect.

On January 28, 1935, 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.*

24253. Adulteration of candy. U. S. v. Irving Levine, Morris Singer, Romaine Candy Corporation, and Irving Candy Co. Pleas of guilty. Defendants Morris Singer and Irving Levine fined \$104 each; sentence suspended as to remaining defendants. (F. & D. no. 33917. Sample no. 58613-A.)

This case was based on interstate shipments of candy that contained alcohol. On January 11, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Irving Levine and Morris Singer, the Romaine Candy Corporation, a corporation, and the Irving Candy Co., trading at Brooklyn, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, between the dates of December 21, 1933, and January 16, 1934, from the State of New York into the State of Pennsylvania of quantities of candy which was adulterated.

The article was alleged to be adulterated under the provisions of the act applicable to confectionery in that it contained spirituous liquor.

On January 15, 1935, pleas of guilty were entered by the defendants and the court imposed a fine of \$104 against each of the defendants Morris Singer and Irving Levine, and suspended sentence as to the Irving Candy Co. and the Romaine Candy Corporation.

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

24254. Adulteration of canned shrimp. U. S. v. 69 Cases, et al., of Canned Shrimp. Decrees of condemnation. Portion of product destroyed. Remainder released under bond. (F. & D. nos. 34112, 34201, 34202. Sample nos. 10556-B, 10568-B.)

These cases involved interstate shipments of canned shrimp which was found to be in part decomposed.

On October 19 and October 27, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of a total of 865 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 24 and September 26, 1934, by Berwick Bay Canneries, Inc., in part from New Orleans, La., and in part from Berwick, La., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Deep C Brand Shrimp Louisiana Oyster & Fish Co. Inc. Berwick, La." The remainder was labeled: "Deep C Brand Shrimp Berwick Bay Canneries, Inc. Berwick, La."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On January 2, 1935, two of the actions involving 796 cases of the product having been consolidated and W. A. Coale & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the unfit portion be segregated and destroyed.

On January 24, 1935, the claimant having failed to prosecute its claim in the remaining case, judgment of condemnation was entered and it was ordered that the product be destroyed.

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