

sardines under a guaranty that the product conformed with the requirements of the Federal Food and Drugs Act; that the Franco-Italian Packing Co., Inc., sold and delivered the said canned sardines to Haas, Baruch & Co., Los Angeles, Calif., under a like guaranty; that the said canned sardines were shipped in interstate commerce from the State of California into the State of Arizona by Haas, Baruch & Co., on or about April 2 and April 6, 1934; that the product was adulterated in violation of the Food and Drugs Act; and that the defendant, the Coast Fishing Co., because of its guaranty to the Franco-Italian Packing Co., Inc., and the guaranty of the latter company to the shipper of the goods, was amenable to prosecution for violation of the Food and Drugs Act. The article was labeled in part: "Quail Brand Sardines * * * Haas, Baruch & Co. Los Angeles, Calif. Distributors."

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

On July 15, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$150.

W. R. GREGG, *Acting Secretary of Agriculture.*

24847. Misbranding of canned peaches. U. S. v. G. H. Wetterau & Sons Grocer Co., and Otto Wetterau. Pleas of guilty. Fines, \$103. (F. & D. no. 34056. Sample nos. 4402-B, 4404-B.)

This case was based on interstate shipments of canned peaches which fell below the standard for canned peaches established by this Department, because of the presence of excessively blemished or trimmed fruit, and deficiency of sugar in the liquid portion, and which were not labeled to indicate that they were substandard.

On September 17, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. H. Wetterau & Sons Grocer Co., a corporation, and Otto Wetterau, St. Louis, Mo., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 21 and May 9, 1934, from the State of Missouri into the State of Illinois of quantities of canned peaches which were misbranded. A portion of the article was labeled in part: "Freedom Standard Yellow Cling Peaches * * * G. H. Wetterau & Sons Grocer Co., St. Louis, Mo. * * * Distributors." The remainder was labeled in part: "Freedom Brand Sliced Yellow Cling Peaches."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since in one lot the liquid portion read less than 14° Brix the permitted minimum, due to insufficient sugar, 90 percent of the solid units, namely, the halves of the fruit, were not unbroken, and 80 percent were not unblemished; and in the other lot the liquid portion read less than 14° Brix, the solid units were not uniform in size, some of the units weighed less than one-twelfth of an ounce, the permitted minimum, and were blemished in excess of the tolerance; and the package did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that the article fell below such standard. Misbranding was alleged with respect to the product in one shipment for the further reason that the statement "Standard", borne on the can 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 peaches which conformed to the United States standard; whereas it did not conform to such standard.

On September 21, 1935, pleas of guilty were entered by the defendants and the court imposed a fine of \$100 against Wetterau & Sons Grocer Co., and \$3 against Otto Wetterau.

W. R. GREGG, *Acting Secretary of Agriculture.*

24848. Adulteration and misbranding of butter. U. S. v. Pella Produce Co., Inc. Plea of guilty. Fine, \$40 and costs. (F. & D. no. 34066. Sample nos. 2001-B, 2002-B, 2217-B, 2222-B, 2223-B.)

This case was based on interstate shipments of butter which contained less than 80 percent of milk fat. Samples taken from certain lots were found to contain ants, mold, a fly leg, hairs, feather fragments, and miscellaneous dirt.

On July 20, 1935, 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 the Pella Produce Co. Inc., trading as the Pella Creamery at Pella, Iowa, alleging shipment by said company in violation of

the Food and Drugs Act on or about August 2, August 8, and August 16, 1934, from the State of Iowa into the State of Illinois of quantities of butter which was adulterated and misbranded. The article was labeled, variously: "Sunlight Creamery Butter [or "Sunlight Country Roll Butter" or "Daisy Maid Brand Country Roll Butter"] The Cudahy Packing Co. Distributors."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must 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. Adulteration was alleged with respect to portions of the article for the further reason that it consisted in whole or in part of a filthy animal substance.

Misbranding of the product was alleged for the reason that the statement "Butter", 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 the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat; whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On September 14, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$40.

W. R. GREGG, *Acting Secretary of Agriculture.*

24849. Adulteration of apples. U. S. v. E. O. Muir & Co. Plea of guilty. Fine, \$25. (F. & D. no. 34073. Sample nos. 442-B, 443-B.)

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

On July 27, 1935, 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 E. O. Muir & Co., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act on or about September 15, 1934, from the State of Utah into the State of California of a quantity of apples that were adulterated. The article was labeled in part: "Page Orchards Jonathan Apples * * * Payson Utah."

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

On August 31, 1935, a plea of guilty having been entered on behalf of the defendant company, the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

24850. Adulteration of apples. U. S. v. Sterling H. Nelson Co. Plea of guilty. Fine, \$25. (F. & D. no. 34074. Sample nos. 15310-B, 15312-B.)

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

On July 27, 1935, 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 Sterling H. Nelson Co., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act on or about October 4, 1934, from the State of Utah into the State of California of a quantity of apples which were adulterated. The article was labeled in part: "Rome Beauty [or "Delicious"] Washed & Packed By Sterling H. Nelson Co. Salt Lake City, Utah."

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

On August 31, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

24851. Adulteration of frozen eggs. U. S. v. The Selby Poultry Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 34086. Sample no. 7392-B.)

This case involved an interstate shipment of frozen eggs which were in part decomposed.

On July 16, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Selby Poultry Co., a corporation, Webster City, Iowa, alleging shipment by said company in violation of the Food and