

the district court an information against the C. H. Musselman Co., a corporation, Biglerville, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of December 3, 1933, and May 12, 1934, from the State of Pennsylvania into the States of New York, West Virginia, Colorado, California, Texas, and Ohio, of quantities of apple butter and jellies which were misbranded. The articles were labeled in part, variously: "Musselman's Contents 1 Lb. 12 oz. Pure Apple Butter \* \* \* Manufactured By The C. H. Musselman Co. Biglerville, Pa."; "Moon Rose Brand \* \* \* Jelly Contents 16 oz. Hubbard Grocery Co. Dist. Charleston W Va."; "Contents 14 oz Penn Maid Brand \* \* \* Jelly manufactured by The C H Musselman Co."; "Big Value Pure Apple Jelly Contents 14 oz Packed for Big Value Products Co., Houston Texas"; "Musselman's Brand Contents 5 oz [or "Net Contents 5 oz"] \* \* \* Jelly Manufactured By The C. H. Musselman Co."

The articles were alleged to be misbranded in that the statements, "Contents 1 Lb. 12 oz.", "Contents 16 oz.", "Contents 14 oz." "Net Contents 5 oz.", and "Contents 5 oz", borne on the jar labels, were false and misleading; and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since each of a large number of the jars examined contained less than declared on the label. Misbranding was alleged for the further reason that the articles were foods 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 June 5, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$240.

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

**24965. Adulteration of butter. U. S. v. 20 Boxes of Butter. Default decree of condemnation and destruction.** (F. & D. no. 35626. Sample no. 36251-B.)

This case involved a shipment of butter that contained mold and filth.

On May 13, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes of butter at Boston, Mass., consigned about May 4, 1935, alleging that the article had been shipped in interstate commerce by the Armour Creameries, Inc., from Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On September 9, 1935, Armour & Co., the sole intervenor, having withdrawn its claim for the property, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24966. Adulteration of dried apricots. U. S. v. 548 Boxes and 163 Boxes of Dried Apricots. Default decree of condemnation and destruction.** (F. & D. no. 35637. Sample nos. 33088-B, 33089-B.)

This case involved a shipment of dried apricots which were worm-infested.

On or about June 12, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 711 boxes of dried apricots at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 16, 1934, by the California Prune & Apricot Growers Association, from Hanford, Calif., and charging adulteration in violation of the Food and Drugs Act.

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

On August 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24967. Adulteration and misbranding of egg noodles. U. S. v. 30 Packages, et al., of Egg Noodles. Default decree of condemnation and destruction.** (F. & D. no. 35638. Sample nos. 30722-B, 30723-B, 30724-B.)

This case involved egg noodles which were adulterated and misbranded because of the presence of added soybean meal and color. The products were further misbranded, because certain of the lots did not bear a plain and