

On October 7, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered that the imposition of sentence be suspended.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19432. Misbranding of oysters. U. S. v. Frank D. Neubert, Leo Neubert, and Charles A. Neubert (Castle Packing Co.). Plea of nolo contendere. Fines, \$30 and costs. (F. & D. No. 26544. I. S. Nos. 8821, 8824, 13446, 13502.)**

This action involved the interstate shipment of quantities of oysters in cans which were represented to contain 1 gallon of the article, but which were found to contain less than so represented.

On July 24, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Frank D. Neubert, Leo Neubert, and Charles A. Neubert, a copartnership trading as the Castle Packing Co., Baltimore, Md., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, between November 18 and November 22, 1930, from the State of Maryland into the States of Pennsylvania, Indiana, and Kentucky, of quantities of oysters that were misbranded. The article was labeled in part: "Extra Selects [or "Extra Standards"] Castle Packing Co., Baltimore, Md. Minimum Volume 1 gallon."

It was alleged in the information that the article was misbranded in that the statement "Minimum Volume 1 Gallon" was false and misleading; and for the further reason that the article was so labeled as to deceive and mislead the purchaser, in that the said statement represented that the cans each contained 1 gallon of oysters; whereas they did not, but did contain a less amount. 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 cans contained less than represented.

On September 8, 1931, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$10 and costs against each defendant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19433. Adulteration of tomato catsup. U. S. v. Earle M. Rush (Rush Canning Co.). Plea of guilty. Fine, \$10. (F. & D. No. 26596. I. S. Nos. 14253, 19667.)**

This action involved the interstate shipment of quantities of tomato catsup which was found to contain excessive mold.

On August 22, 1931, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Earle M. Rush, trading as the Rush Canning Co., Bentonville, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about September 19, 1930, from the State of Arkansas into the State of Texas, and on or about October 8, 1930, from the State of Arkansas into the State of Kansas, of quantities of tomato catsup that was adulterated. The article was labeled in part: "Queen's Taste Brand Catsup \* \* \* Packed by Rush Canning Co., Principal Office, Washburn, Mo."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On September 1, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19434. Adulteration of apples. U. S. v. 121 Baskets, et al., of Apples. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27078, 27082. I. S. Nos. 45252, 45254. S. Nos. 5325, 5326.)**

Lead and arsenic having been found on samples of apples taken from the shipments herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On October 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 222 baskets of apples at Davenport, Iowa, alleging that the article had been shipped by G. F. Cadwell & Son, in part on or about September 17,

1931, from Valley City, Ill., and in part on or about November (September) 13, 1931, from Griggsville, Ill., and had been transported in interstate commerce from the State of Illinois into the State of Iowa, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Golden Delicious Biddle \* \* \* Cleansed Apples." The remainder of the article was labeled in part: "Marsh Senator \* \* \* Cleansed Apples."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, namely, lead and arsenic with respect to a portion, and lead arsenate with respect to the remainder, which might have rendered the article injurious to health.

On March 4, 1932, G. F. Cadwell & Son, Griggsville, Ill., claimant, having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the said claimant upon the execution of bonds totaling \$1,000, conditioned in part that the goods should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, or insular possession. It was further ordered that claimant pay all costs, including the expenses of an agent of this department to inspect and supervise the reconditioning of the product by cleansing and washing so as to remove the poisonous residue.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19435. Misbranding of wheat bran. U. S. v. 115 Sacks of Wheat Bran. Product released under bond to be properly marked. (F. & D. No. 27105. I. S. No. 41876. S. No. 5343.)**

Examination of samples of wheat bran from the shipment herein described having shown that the product bore no statement of the quantity of contents, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On October 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 115 sacks of wheat bran, remaining in the original unbroken sacks at Barnhart, Mo., alleging that the article had been shipped on or about August 20, 1931, by the Aviston Milling Co., from East St. Louis, Ill., and had been transported in interstate commerce from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled: "Aviston Results guaranteed Pure Bran Analysis \* \* \* Aviston Milling Company East St. Louis, Illinois."

It was alleged in the libel that the article was misbranded in that it was in package form and the quantity of the contents was not plainly marked on the outside of the package.

On January 16, 1932, the Aviston Milling Co., East St. Louis, Ill., having appeared as claimant and having admitted the allegations of the libel, it was ordered by the court that the product be released to said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that the said product be properly marked, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act or the law of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19436. Adulteration of butter. U. S. v. 6 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. No. 27135. I. S. No. 38845. S. No. 5297.)**

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six tubs of butter, remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been shipped by the Berlin Cooperative Creamery Association, of New Richland, Minn., having been transported in interstate commerce from the State of Minnesota into the State of Massachusetts on or about September 24, 1931, and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted