

**17709. Misbranding of pears. U. S. v. Clayton A. Bullock. Plea of guilty. Fine, \$25.** (F. & D. No. 25022. I. S. No. 026851.)

Examination of samples of pears from the herein described interstate shipment having shown that a large proportion consisted of wormy and low-grade fruit, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Washington.

On June 25, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against Clayton A. Bullock, Yakima, Wash., alleging shipment by said defendant, in violation of the food and drugs act, on or about December 16, 1929, from the State of Washington into the State of Wisconsin, of quantities of pears which were misbranded. The article was labeled in part: "Winter Nellis Fancy Northwest Pears."

It was alleged in the information that the article was misbranded in that the statement, to wit, "Fancy Pears," borne on the boxes containing the said article, was false and misleading in that the said statement represented that the article consisted wholly of fancy pears, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of fancy pears, whereas it did not, but did consist in large part of wormy, badly scarred, cut, dirty, bruised, and misshapen pears.

On October 8, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17710. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 25283. I. S. No. 13414. S. No. 3514.)

Samples of butter from the herein described interstate shipment having been found deficient in milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On October 17, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Almena Creamery, Almena, Wis., alleging that the article had been shipped from Almena, Wis., on or about October 14, 1930, and had been transported from the State of Wisconsin into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

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 for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 29, 1930, the Almena Creamery, Almena, Wis., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17711. Adulteration of oysters. U. S. v. Robert W. Howeth and Charles W. Howeth, jr. (Chas. W. Howeth & Bro.). Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 25036. I. S. Nos. 015219, 015220.)

Samples of oysters from the herein described interstate shipments having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On September 29, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against Robert W. Howeth and Charles W. Howeth, jr., copartners, trading as Chas. W. Howeth & Bro., Crisfield, Md., alleging shipment by said defendants, in violation of the food and drugs act, on or about December 18, 1929, from the State of Maryland into the State of Pennsylvania, of quantities of oysters which were adulterated.