

On June 24, 1931, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$350.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18577. Misbranding of butter. U. S. v. P. E. Sharpless Co. Plea of nolo contendere. Fine, \$200. (F. & D. No. 25697. I. S. Nos. 028155, 030281, 030282, 030283, 030285, 030286, 030287, 030288, 030289, 030290.)

Samples of butter from the shipments herein described having been found to be short of the declared weights, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the P. E. Sharpless Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments on or about February 3, February 6, June 9, and June 12, 1930, from the State of Pennsylvania into the State of New Jersey, of quantities of butter which was misbranded. The article was labeled in part, variously: (Packages) "Sharpless Dairy Products * * * One Pound Net;" "P. E. Sharpless Co. Philadelphia, Pa. * * * Butter 1 Pound Net;" "Sharpless Butter Country Roll 8 Oz. Net. P. E. Sharpless Company, Philadelphia;" "Meadow Farms Butter * * * One Pound Net;" or "P. E. Sharpless Co. Pure Butter 8 Ounces Net."

It was alleged in the information that the article was misbranded in that the statements, "One Pound Net," "8 Oz. Net," or "8 Ounces Net," borne on the labels of the packages, were false and misleading in that the said statements represented that the packages each contained 1 pound net or 8 ounces net, as the case might be, of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound net, or 8 ounces net, as the case might be, of butter; whereas the packages contained less than so represented. 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 packages contained less than declared on the labels.

On June 22, 1931, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18578. Adulteration of pitted cherries. U. S. v. 43 Cases, More or Less, of Pitted Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26039. I. S. No. 16141. S. No. 4335.)

Samples of pitted cherries from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 18, 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 43 cases of pitted cherries, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Paulus Bros. Packing Co., Salem, Oreg., on or about January 5, 1931, and had been transported from the State of Oregon into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "White Tag Pitted Royal Anne Cherries, * * * Paulus Bros. Packing Co., Salem, Oregon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On July 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18579. Adulteration of canned prunes. U. S. v. 83 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25779. I. S. No. 11489. S. No. 4006.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.