

21049. Adulteration of dried pears. U. S. v. 9 Cases of Dried Pears. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29936. Sample no. 21088-A.)

This case involved a shipment of dried pears found to contain arsenic and lead in amounts which might have rendered them injurious to health.

On February 27, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of nine cases of pears at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about November 24, 1932, by Rosenberg Bros. & Co., from San Francisco, Calif., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ensign Brand California Fancy Halves Pears."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On April 18, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21050. Misbranding of candy. U. S. v. 162 Boxes of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29596. Sample no. 23879-A.)

This case involved an interstate shipment of candy which was short weight.

On December 7, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 162 boxes of confectionery at St. Louis, Mo., alleging that the article had been shipped in interstate commerce into the State of Missouri, on or about November 15 and November 18, 1932, by Mars, Inc., Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "The 3 Musketeers. Over $\frac{1}{4}$ pound * * * A Mars Confection Net Weight $4\frac{1}{8}$ Oz."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Over $\frac{1}{4}$ pound" and "Net weight $4\frac{1}{8}$ Oz.", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On February 15, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21051. Adulteration and misbranding of butter. U. S. v. Yerington Creamery Co. Plea of guilty. Fine, \$100. (F. & D. no. 30138. Sample nos. 504-A to 507-A, incl., 522-A, 12801-A, 12802-A.)

This action was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 19, 1933, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yerington Creamery Co., a corporation, Mason, Nev., alleging shipment by said company, in various shipments between June 13 and June 29, 1932, in violation of the Food and Drugs Act, from the State of Nevada into the State of California, of quantities of butter which was adulterated, and portions of which were also misbranded. The article was labeled variously: "Yerington Creamery Co., Mason, Nevada"; "Pasteurized Creamery Butter * * * From Yerington Creamery, Mason, Nevada"; "Mayrose Pasteurized Extra Creamery Butter * * * Distributed by Western Meat Co. U. S. A."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.