

said defendant in violation of the Food and Drugs Act as amended, on or about August 18 and August 20, 1931, from the State of New Jersey into the State of New York, and on or about October 17, 1931, from the State of New Jersey into the State of Massachusetts, of quantities of tomato juice that was misbranded. The article was labeled, variously: "Lucky Boy Brand Pure Tomato Juice Contents 1 Pound 4 Ounces * * * Embassy Grocery Corp. Distributors New York, N. Y."; "Hatchet Brand Pure Tomato Juice * * * Contents 1 Pint 3 Fl. Oz. The Twitchell-Champlin Co. Distributors Portland, Maine and Boston, Mass."; "Hurff Brand Tomato Juice * * * Contents 13 Fluid Ozs. * * * 13 Oz. * * * Packed by Edgar F. Hurff Swedesboro, New Jersey."

It was alleged in the information that the article was misbranded in that the statements, "Contents 1 Pound 4 Ounces", "Contents 1 Pint 3 Fl. Oz.", or "13 Oz. * * * Contents 13 Fluid Ozs.", borne on the cans, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than declared. 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 statements made on the cans were incorrect.

On June 12, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

21138. Adulteration of canned salmon. U. S. v. 149 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 29292. Sample no. 21761-A.)

This case involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On November 12, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 149 cases of canned salmon at Pittsburgh, Pa., alleging that the article had been shipped on or about September 29, 1932, by Oceanic Sales Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

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

On June 29, 1933, no claimant having appeared for the property, judgment of condemnation 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.*

21139. Adulteration of apples. U. S. v. Yakima Fruit & Cold Storage Co. Plea of guilty. Fine, \$75. (F. & D. no. 29401. I. S. nos. 22490, 46508, 46509.)

This case was based on the interstate shipment and the delivery for shipment to a foreign country, of quantities of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On January 3, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yakima Fruit & Cold Storage Co., a corporation, Yakima, Wash., alleging shipment by said defendant, on or about February 1 and February 5, 1932, from the State of Washington into the State of California, also the delivery for shipment to Germany, on or about March 4, 1932, of quantities of apples that were adulterated in violation of the Food and Drugs Act. The product delivered for shipment to a foreign country was labeled in part: (Box) "Persian Brand Northwest Apples C. C. Smith Fruit Co. Yakima and Wenatchee"; (stenciled on box) "Packed by Yakima Fruit & Cold Storage Co. Yakima, Wash."

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

On May 4, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

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