

On May 1, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the D. B. Scully Syrup Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 13, 1932, from the State of Illinois into the State of Michigan, of a quantity of apple butter which was adulterated. The article was labeled in part: "Scully's Pure Apple Butter * * * Packed by D. B. Scully Syrup Co., Chicago, Ill."

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

On May 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

22489. Adulteration of apples. U. S. v. Clyde H. Harris (Harris Cold Storage). Plea of guilty. Fine, \$50. (F. & D. no. 31515. Sample no. 29448-A.)

This case was based on an interstate shipment of apples that were found to bear arsenic and lead in an amount that might have rendered them injurious to health.

On May 16, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clyde H. Harris, trading as Harris Cold Storage, Freewater, Oreg., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 5, 1933, from the State of Oregon into the State of California, of a quantity of apples which were adulterated.

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

On May 24, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$50.

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

22490. Adulteration and misbranding of butter. U. S. v. Thomas D. Rider (Dunlap Creamery Co.). Plea of guilty. Fine, \$2 and costs. (F. & D. no. 31529. Sample no. 40638-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat, and that was not labeled to show the quantity of the contents of the packages.

On April 30, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Thomas D. Rider, trading as the Dunlap Creamery Co., Dunlap, Iowa, alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about June 9, 1933, from the State of Iowa into the State of Illinois, of a quantity of butter which was adulterated and misbranded.

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 by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the 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.

On May 22, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$2 and costs.

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

22491. Misbranding of canned cherries. U. S. v. 175 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. no. 31617. Sample no. 56289-A.)

This case involved a shipment of canned cherries which contained excessive pits and which were not labeled to indicate that they were substandard.

On or about December 8, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 cases of canned cherries at Fort Worth, Tex., alleging that the article had been shipped

in interstate commerce, on or about July 21, 1933, by F. B. Huxley & Son, from Ontario, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Huxson Brand Pitted Red Cherries in Water, Packed by F. B. Huxley & Son, Ontario, N. Y."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because it contained excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On May 22, 1934, F. B. Huxley & Son, Ontario, N. Y., having appeared as claimant for the property, and having admitted the allegations of the libel, a decree was entered ordering that the product be released to the claimant upon the execution of a bond in the sum of \$500, conditioned that it be relabeled to meet the requirements of this Department, and that claimant pay costs of the proceedings.

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

22492. Adulteration of dried peaches. U. S. v. 350 Boxes of Dried Peaches. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31658. Sample no. 45371-A.)

This case involved a shipment of dried peaches that were found to contain insect larvae, insect and mouse excreta, and wormholes.

On or about December 7, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 350 boxes of dried peaches at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 10, 1933, by the California Prune & Apricot Growers Association, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Yellow Ribbon Yellow Peaches Packed by California Prune & Apricot Growers Assn., San Jose, California."

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

On April 18, 1934, the California Prune & Apricot Growers Association, San Jose, Calif., 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 claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it should not be disposed of until it had been brought into compliance with the law and inspected and approved by this Department.

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

22493. Adulteration of canned tomatoes. U. S. v. 375 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond for separation and destruction of unfit portion. (F. & D. no. 31701. Sample no. 62662-A.)

Samples of canned tomatoes taken from the shipment in this case were found to contain maggots.

On December 9, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 375 cases of canned tomatoes at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about October 10, 1933, by Wm. Silver & Co., from Pocomoke, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pine Cone Brand Tomatoes."

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

On May 1, 1934, Robert H. Jones, trading as the Somerset Packing Co., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the entire lot be examined and the cans found containing bad tomatoes destroyed, and that those cans found upon reinspection to be good be released.

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