

only and contained 12.00 percent fat; whereas it consisted in part of material other than rice polish and contained less than 12.00 percent fat.

On November 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

23847. Misbranding of paprika, black pepper, and ground ginger. U. S. v. Hudson Tea & Spice Co. Plea of guilty. Sentence suspended. (F. & D. no. 31383. Sample nos. 13251-A, 14380-A, 14381-A, 41802-A.)

Sample cans of spices taken from the shipments involved in this case were found to contain less than the declared weight.

On June 22, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hudson Tea & Spice Co., a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about November 30, 1931, April 23, 1932, and March 15, 1932, from the State of New York into the States of Alabama, Maryland, and New Jersey, respectively, of quantities of paprika, black pepper, and ground ginger, which were misbranded. The paprika and black pepper were labeled in part: "Hudson Brand Pure Paprika * * * 4 oz. net weight"; "Hudson Brand HTC Pure Black Pepper * * * 5/8 Oz. Net Weight [or "2 Oz. Net Weight"]", Hudson Tea Co., Brooklyn, N. Y." The ground ginger was labeled in part: "Manischewitz's Pure * * * Ground Ginger * * * Packed for the M. Manischewitz Co., New York, 1 1/2 Oz. Net wgt."

The information charged that the paprika and the ground ginger were misbranded in that the statements, "4 Oz. Net Weight", with respect to the former, and, "1 1/2 Oz. Net Weight", with respect to the latter, borne on the labels, were false and misleading, and for the further reason that they were labeled so as to deceive and mislead the purchaser, since the cans containing the paprika contained less than 4 ounces, and the cans containing the ground ginger contained less than 1 1/2 ounces. Misbranding of the ground ginger was alleged for the further reason that it 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 quantity of contents was less than 1 1/2 ounces, the amount declared on the label. Misbranding of the black pepper was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity of the contents was less than 5/8 ounce and 2 ounces, the amounts declared on the labels of the respective sized packages.

On November 7, 1934, a plea of guilty was entered on behalf of the defendant company, and the court ordered that sentence be suspended.

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

23848. Adulteration of apples. U. S. v. D. Raymond Glass. Plea of guilty. Fine, \$1. (F. & D. no. 31390. Sample no. 17178-A.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On May 3, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against D. Raymond Glass, trading at Gentry, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 19, 1932, from the State of Arkansas into the State of Kansas, of a quantity of apples which were adulterated.

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

On November 26, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$1.

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

23849. Adulteration of apples. U. S. v. Marshall McKenzie. Plea of guilty. Fine, \$1. (F. & D. no. 31393. Sample no. 17185-A.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts which might have rendered them injurious to health.

On May 3, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Marshall McKenzie, trading at Gravette, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 21, 1932, from the State of Arkansas into the State of Missouri, of a quantity of apples which were adulterated.

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

On November 30, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$1.

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

23850. Adulteration of canned salmon. U. S. v. Charles W. Demmert and Emma Demmert (Demmert Packing Co.). Pleas of guilty. Fines: Charles W. Demmert, \$50 on each count, and costs; Emma Demmert, \$1 on each count, and costs. Fines on all counts but first, suspended. (F. & D. no. 31424. Sample nos. 14841-A, 15095-A, 15096-A, 25555-A, 25558-A, 25562-A, 25564-A, 25851-A, 26037-A, 26068-A, 26079-A.)

This case was based on various shipments of canned salmon, samples of which were found to be putrid, tainted, or stale.

On February 5, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles W. Demmert, and Emma Demmert, trading as the Demmert Packing Co., Klawock, Alaska, alleging shipment by said defendants, on or about August 28, September 7, and September 12, 1932, from Klawock, Alaska, into the State of Washington, of quantities of canned salmon which was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On December 10, 1934, the defendants entered pleas of guilty and the court imposed a fine of \$50 and costs against Charles W. Demmert on the first count of the information, and \$50 on each of the remaining two counts; a fine of \$1 and costs against Emma Demmert on the first count and \$1 on each of the remaining two counts, the fines on the second and third counts to be suspended as to both defendants on condition that fine and costs be paid on the first count within 30 days.

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

23851. Adulteration of canned salmon. U. S. v. Charles W. Demmert and Emma Demmert (Demmert Packing Co.). Pleas of guilty. Fines, \$1,000 and costs. (F. & D. no. 31442. Sample nos. 2890-A, 7061-A, 7774-A, 11120-A, 15336-A, 15337-A, 26261-A.)

This case was based on various interstate shipments of canned salmon, samples of which were found to be tainted or stale.

On March 19, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles W. Demmert and Emma Demmert, trading as the Demmert Packing Co., Seattle, Wash., and Klawock, Alaska, alleging shipment by said defendants, in various lots between the dates of September 3, 1932, and September 18, 1932, from the State of Washington into the States of Wisconsin, Alabama, Georgia, New York, and Indiana, of quantities of canned salmon which was adulterated. The article was labeled in part, variously: "Wissota Brand Salmon * * * Packed for The H. T. Lange Co., Eau Claire, Wis and Lange Grocer Company, Sparta, Wis."; "Spotlite Brand Alaska Pink Salmon * * * C. F. Buelow Company, Incorporated, Seattle, U. S. A."; "Scout Cabin Brand Pink Alaska Salmon * * * Packed for E. Bierhaus & Sons, Vincennes, Ind."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On December 12, 1934, the defendants entered pleas of guilty and the court imposed fines totaling \$1,000,—\$500 against each defendant. Costs also were assessed.

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