

tively: "Water Fresh Prunes U/L Jacobson Shealy Co. San Francisco, Calif. F. H. Co."; "Newmark Brand Special Extra Packed in Water Pitted Red Cherries Packed for M. A. Newmark & Co. Los Angeles U. S. A. Net Contents 1 Lb. 4 Oz."

The information charged that the canned prunes were adulterated in that they consisted in part of a decomposed vegetable substance.

Misbranding was alleged with respect to the canned pitted cherries for the reason that the statements, "Special Extra Pitted Red Cherries" and "Net Contents 1 Lb. 4 Oz.", borne on the label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser since the said statements represented that the article was special extra pitted red cherries and that each of the cans contained 1 pound 4 ounces thereof; whereas it was not special extra pitted red cherries but was partially pitted cherries and the cans contained less than 1 pound 4 ounces. Misbranding of the canned cherries was alleged for the further reason that partially pitted red cherries had been offered for sale under the distinctive name of another article, namely, pitted red cherries, and 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 statement made was incorrect. Misbranding of the canned cherries was alleged for the further reason that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department, indicating that it fell below such standard.

On January 29, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$180.

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

24251. Misbranding of bread. U. S. v. The Star Baking Co. Plea of guilty. Fine, \$40. (F. & D. no. 33884. Sample nos. 03-B, 04-B.)

This case was based on interstate shipments of bread which was found to be short weight.

On December 28, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Star Baking Co., a corporation, Colorado Springs, Colo., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 9, 1934, from the State of Colorado into the State of Kansas, of a quantity of bread which was misbranded. The article was labeled in part: "Town Talk Sliced Bread 18 oz. or Over The Star Baking Company Colorado Springs, Colo."

The article was alleged to be misbranded in that the statement, "18 Oz. or Over", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of loaves examined contained less than 18 ounces. 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 it was not stated in terms of the largest unit, namely, in pound and ounces, and in that the quantity of the contents was less than 1 pound and 2 ounces.

On January 10, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$40.

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

24252. Misbranding of apple butter. U. S. v. Hulman & Co Plea of guilty. Fine, \$50. (F. & D. no. 33906. Sample nos. 68613-A, 68614-A.)

This case was based on interstate shipments of apple butter which was found to be short weight.

On January 21, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hulman & Co., a corporation, Terre Haute, Ind., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 10 and February 14, 1934, from the State of Indiana into the State of Illinois of quantities of apple butter which was misbranded. A portion of the article was labeled: (Can) "Farmers Pride Brand Contents 4 Lb. 6 Oz. Avd. * * * Pure Apple Butter Hulman &