to prevent adulteration, i. e., the 'adding to articles of food consumption poisonous and deleterious substances which might render such articles injurious to the health of consumers.' *United States* v. *Lexington Mill & Elevator Co.*, 232 U. S. 399, 409. Surely, the giving of trinkets or prizes along with the sale of candy or gum does not add anything to the 'articles of food consumption' nor do they affect such articles in any way. Cf. *Bourcheix* v. *Willow Brook Dairy, Inc.*, 268 N. Y. 1, 196 N. E. 617, 98 A. L. R. 1492. We cannot imagine that anyone would contend that the statute would be violated if a single trinket were included as a 'prize' in a package of candy or gum; and we see no difference between this and the sale by the slot machine method here employed, where only occasionally is one of the trinkets discharged, and the possibility that this may occur is one of the chief inducements to the purchase. If there is anything objectionable in what is done, it arises not out of any adulteration of the candy or gum but out of the method of sale, which is a local matter. No case has been cited holding that the statute has any application to a case of this sort, and we know of none.

"There is a grave doubt whether, even if the vending of the trinkets along with the candy and gum could be held to be adulteration, the act would have any application since their mingling in the vending machines was a local matter which occurred after their interstate journey had ended and they had come to rest at Norfolk. There was no transmission of the 'adulterated' product in interstate commerce, nor was there an offering for sale of a product which was adulterated when a subject of such commerce. See *United States* v. *Phelps Dodge Mercantile Co.*, 9 Cir. 157 F. 2d 453, cert. den. 330 U. S. 818. We need not pass upon this question, however, as we think it clear that the candy and gum were not adulterated within the meaning of the act merely because the trinkets were placed with them in the vending machines.

"For the reasons stated the order appealed from will be reversed and the cause will be remanded with direction to enter judgment for the claimant. *Reversed.*"

17805. Adulteration of candy. U. S. v. Arthur Heiman. Plea of guilty. Fine, $900. (F. D. C. No. 29160. Sample Nos. 56945–K, 58275–K to 58277–K, incl., 63279–K.)

INDICTMENT RETURNED: October 27, 1950, Southern District of New York, against Arthur Heiman, New York, N. Y.

ALLEGED SHIPMENT: On or about November 28 and December 20 and 29, 1949, from the State of New York into the States of New Jersey, California, and Massachusetts.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments and other miscellaneous filth; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 24, 1951. A plea of guilty having been entered, the court imposed a fine of $900.

17806. Adulteration of candy. U. S. v. Spangler Candy Co. and Norman E. Spangler. Pleas of guilty. Corporation fined $300 and individual defendant $100, plus costs. (F. D. C. No. 31111. Sample Nos. 7070–L, 10319–L, 10321–L, 10768–L.)

INFORMATION FILED: July 3, 1951, Northern District of Ohio, against the Spangler Candy Co., a corporation, Bryan, Ohio, and Norman E. Spangler, vice president.

ALLEGED SHIPMENT: On or about January 9, 11, and 12, 1951, from the State of Ohio into the States of Pennsylvania, Indiana, and Michigan.