

12090. Adulteration and misbranding of apples. U. S. v. Rogerson Cold Storage Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 17792. I. S. No. 2146-v.)

On October 17, 1923, 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 of the United States for said district an information against the Rogerson Cold Storage Co., a corporation, Le Roy, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 3, 1923, from the State of New York into the State of Pennsylvania, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: "New York Standard 'A' Grade Packed By S. C. Wells Le Roy, N. Y. Min. Size 3 In."

Examination by the Bureau of Chemistry of this department of 4 barrels from the consignment showed that the said barrels contained many apples that were less than 3 inches in diameter and many apples that were injured by fungus or by early tree frost; the barrels also contained some apples that were badly rusted.

Adulteration of the article was alleged in the information for the reason that apples of a lower grade than New York Standard A Grade and of less than three inches in diameter each had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for New York Standard A Grade apples, minimum size three inches, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard 'A' Grade * * * Min. Size 3 In.," borne on the barrels containing the article, regarding the said article, was false and misleading in that it represented that the said article consisted wholly of New York Standard A Grade apples of not less than 3 inches in diameter each, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of New York Standard A Grade apples of not less than 3 inches in diameter each, whereas, in truth and in fact, said article did not so consist but did consist in part of apples of a lower grade than New York Standard A Grade apples and of less than 3 inches in diameter each. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, "New York Standard 'A' Grade * * * Min. Size 3 In."

On November 15, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12091. Adulteration of crab meat. U. S. v. Edgar P. Hitchings and Vernon D. Hitchings (E. A. Hitchings & Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 16563. I. S. Nos. 8840-t, 8841-t.)

On May 8, 1923, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edgar P. Hitchings and Vernon D. Hitchings, copartners, trading as E. A. Hitchings & Co., Norfolk, Va., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 17, 1922, from the State of Virginia into the State of Maryland, of quantities of crab meat which was adulterated. The article was labeled in part: "From E. A. Hitchings & Co. * * * Norfolk, Va."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it was putrid and contained decomposed crab meat.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On May 8, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12092. Misbranding of oranges. U. S. v. 100 Cases of Oranges. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 661-c. I. S. No. 1805-t. S. No. C-3497.)

On or about March 27, 1922, the United States attorney for the District of Indiana, acting upon a report by the State Food and Drug Commissioner of Indiana, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of oranges, at