

contained sugar solution of insufficient strength to bring the liquid portion up to the standard prescribed by this Department and was not labeled to indicate that it was substandard.

On November 17, 1932, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 92 cases of canned cherries at Harrisonburg, Va., alleging that the article had been shipped in interstate commerce, on or about August 15, 1932, by Orrtanna Canning Co., from Orrtanna, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Homeland Brand [or "Orrtanna Favorite Brand"] Red Sour Pitted Cherries, Packed by Orrtanna Canning Co., Orrtanna, Pa."

It was alleged in the libel that the article was misbranded in that the above-quoted statements on the label were false and misleading and deceived and misled the purchaser, since they represented that the article consisted of pitted cherries, whereas it consisted in part of unpitted cherries. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the liquid portion read less than 16 degrees Brix, and the label did not bear a plain and conspicuous statement indicating that the article was substandard.

A. J. Harris & Co., Baltimore, Md., appeared as claimant for the property, admitted the allegations of the libel, and consented to condemnation and forfeiture of the product. On March 22, 1933, judgment was entered finding the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled with the substandard legend: "Below U. S. Standard—Good Food—Not High Grade", together with the further statement, "Water Pack Partially Pitted Red Sour Cherries."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20997. Misbranding of cottonseed screenings. U. S. v. Terminal Oil Mill Co. Plea of guilty. Fine, \$1 and costs. (F. & D. no. 29471. I. S. no. 47491.)

This case was based on an interstate shipment of cottonseed screenings that contained less protein and more fiber than declared in the labeling.

On April 4, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Terminal Oil Mill Co., a corporation, Oklahoma City, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 12, 1932, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed screenings that were misbranded. The article was labeled in part: "'Tomco Prime' Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43% * * * Crude Fibre, not more than 12% * * * Manufactured by Terminal Oil Mill Co., Oklahoma City, Oklahoma."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed analysis protein, not less than 43% * * * Crude fibre, not more than 12%", borne on the tag, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein, and more than 12 percent of crude fiber.

On May 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20998. Adulteration of dates. U. S. v. Capitol Candied Nuts, Inc. Plea of guilty. Fine, \$50. Sentence suspended. (F. & D. no. 29398. I. S. no. 31701.)

This case was based on an interstate shipment of dates in which approximately 21 percent of those examined showed evidence of insect infestation.

On January 24, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Capitol Candied Nuts, Inc., a corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 9, 1931, from the State of New York into the State of Colorado, of a quantity of dates that were adulterated. The

article was labeled in part: "Kapitol * * * Imported Dates Capitol Candied Nuts Inc."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy vegetable and animal substance, due to insect infestation and dead insects contained therein.

On March 23, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50, which fine was suspended.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20999. Adulteration of canned salmon. U. S. v. Wrangell Packing Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29404. I. S. nos. 11580, 11581.)

This case was based on an interstate shipment of canned salmon that was in part decomposed.

On March 6, 1933, 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 the Wrangell Packing Corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 2, 1931, from Alaska into the State of Washington and subsequently from the State of Washington into the State of California, of a quantity of canned salmon that was adulterated. The article was labeled in part: "Palace Brand Alaska Pink Salmon * * * Haas Brothers, Distributors, San Francisco-Fresno."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On April 19, 1933, the defendant company, through its secretary, withdrew a plea of not guilty and entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

21000. Adulteration of apples. U. S. v. 852 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30009. Sample no. 28093-A.)

This case involved an interstate shipment of apples which were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On February 27, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 852 boxes of apples at Denver, Colo., consigned by F. W. Shields Co., Yakima, Wash., alleging that the article had been shipped in interstate commerce, on or about February 2, 1933, from Yakima, Wash., to Denver, Colo., and charging adulteration in violation of the Food and Drugs Act.

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

On March 10, 1933, the Lloyd Garretson Co., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$400, conditioned that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*