

**21639. Adulteration of dried pears. U. S. v. 70 Cases of Dried Pears. Product ordered released under bond. (F. & D. no. 29885. Sample no. 22654-A.)**

This case involved a shipment of dried pears that were found to be in part insect-infested, dirty, and decayed.

On March 7, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cases of dried pears at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 31, 1933, by Guggenlime & Co., from San Francisco, Calif., 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 consisted in part of a filthy vegetable substance.

On October 16, 1933, Guggenlime & Co. having appeared as claimant for the property and having executed a good and sufficient bond conditioned that the product would not be disposed of in violation of the law, a decree was entered ordering the goods released to the claimant.

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

**21640. Adulteration and misbranding of potatoes. U. S. v. Rigby Martin Potato Co. Plea of guilty. Fine, \$50. (F. & D. no. 29451. I.S. no. 47906.)**

This case was based on an interstate shipment of potatoes which were represented to be U.S. No. 1 but which on examination were found to be of a grade lower than U.S. No. 1, the sacks examined averaging approximately 14 percent of grade defects.

On May 10, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rigby Martin Potato Co., a corporation, Idaho Falls, Idaho, alleging shipment by said company in violation of the Food and Drugs Act, on or about November 23, 1931, from the State of Idaho into the State of Illinois, of a quantity of potatoes that were adulterated and misbranded. The article was labeled in part: (Sacks) "Selected U.S. No. 1 Idaho Mountain Grown Potatoes."

It was alleged in the information that the article was adulterated in that potatoes of a lower grade than U.S. No. 1 had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for U.S. No. 1 grade, which the article purported to be.

Misbranding was alleged for the reason that the statement, "U.S. No. 1", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it consisted in part of potatoes inferior to U.S. No. 1 grade.

On October 24, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**21641. Adulteration of dried peaches. U. S. v. Mount Whitney Corporation (Mount Whitney Packing Corporation). Plea of guilty. Fine, \$100. (F. & D. no. 29477. I.S. no. 41081.)**

This case was based on the delivery for shipment in interstate commerce of a quantity of dried peaches that were insect-infested and that also showed indications of rodent infestation. Approximately 10 percent of the peaches examined were found to be moldy, decayed, or dirty.

On April 6, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mount Whitney Corporation, trading as the Mount Whitney Packing Corporation, at Armona, Calif., alleging that on or about November 1, 1931, the said company had delivered at Fresno, Calif., for shipment in interstate commerce to St. Louis, Mo., a quantity of dried peaches that were adulterated in violation of the Food and Drugs Act.

It was alleged in the information that the article was adulterated in that it consisted in part of filthy and decomposed animal and vegetable substances.

On October 9, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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