

alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 3 and March 14, 1933, from the State of Oregon into the State of California, of a quantity of canned strawberries which were misbranded. The article was labeled in part: (Can) "Net Weight 1 Lb. 4 Ozs. \* \* \* Packed By Ray-Maling Company, Inc., Kitchens Hillsboro, Oregon Raycrest Brand \* \* \* Unsweetened Strawberries."

It was alleged in the information that the article was misbranded in that the statement "Net Weight 1 Lb. 4 Ozs.", borne on the can label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than 1 pound 4 ounces of the article. 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.

On May 25, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**22390. Adulteration and misbranding of apple chops. U. S. v. John A. Merz. Plea of guilty. Fine, \$25. (F. & D. no. 31403. Sample no. 23995-A.)**

This case was based on an interstate shipment of apple chops which were found to contain arsenic and lead and which were also insect-infested, decayed, and dirty. The sacks were not labeled with a statement of the quantity of the contents.

On February 26, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John A. Merz, Biglerville, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about February 3, 1933, from the State of Pennsylvania into the State of Missouri, of a quantity of apple chops which were adulterated and misbranded.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy animal substance; and in that it contained added poisonous and deleterious ingredients, arsenic and lead, in an amount that might have rendered it injurious to health.

Misbranding was alleged for the 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.

On March 12, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

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

**22391. Adulteration of oysters. U. S. v. Herbert L. Lawson (Star Oyster Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. no. 31411. Sample no. 22493-A.)**

This case was based on a shipment of oysters that contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herbert L. Lawson, trading as the Star Oyster Co., Crisfield, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 16, 1932, from the State of Maryland into the State of Pennsylvania, of a quantity of oysters which were adulterated. The article was labeled in part: (Can) "Celebrated Star Brand Salt Water Oysters \* \* \* Packed Daily at Crisfield Md."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be.

On May 2, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

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

**22392. Adulteration and misbranding of canned pineapple. U. S. v. Market Wholesale Grocers, Inc. Plea of nolo contendere. Fine, \$100. (F. & D. no. 31414. Sample no. 25326-A.)**

This case was based on an interstate shipment of a product represented to be canned Hawaiian pineapple which was found to consist in whole or in part of Cuban pineapple.