

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22876-22950

[Approved by the Secretary of Agriculture, Washington, D. C., February 20, 1935.]

**22876. Adulteration and misbranding of potatoes. U. S. v. Leonard, Crosset & Riley, Inc. Pleas of guilty. Fines, \$300. (F. & D. nos. 29350, 29351, 29352. I. S. nos. 44794, 47294, 47751.)**

These cases were based on shipments of potatoes which were labeled "U. S. Grade No. 1." Examination showed that the potatoes were below the grade specified because of excessive grade defects.

On December 29, 1932, May 10 and October 18, 1933, the United States attorney for the Eastern District of Michigan filed in the district court three informations against Leonard, Crosset & Riley, Inc., trading at Greenville, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 1, November 4, and December 1, 1931, from the State of Michigan into the States of Kentucky, West Virginia, and Ohio, respectively, of quantities of potatoes which were adulterated and misbranded. The article was labeled in part: "U. S. Grade No. 1 Good Luck Michigan Potatoes Leonard, Crosset & Riley Greenville, Mich."

The article was alleged to be adulterated in that potatoes of lower grade than United States grade Number One had been mixed and packed with and substituted for United States grade No. 1, which the article purported to be.

Misbranding was alleged for the reason that the statement, "U. S. Grade No. 1 \* \* \* Potatoes", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the potatoes were of a lower grade than United States No. 1.

On June 7, 1934, pleas of guilty were entered on behalf of the defendant company, and the court imposed a fine of \$100 on each of the three cases.

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

**22877. Adulteration of apples. U. S. v. John D. Liles. Plea of guilty. Fine, \$5. (F. & D. no. 31395. Sample no. 17195-A.)**

This case was based on an interstate shipment of apples that were found to bear excessive amounts of arsenic and lead.

On September 5, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John D. Liles, of Metz, Mo., trading at Bentonville, Ark., alleging shipment by said defendant, on or about September 30, 1932, from the State of Arkansas into the State of Missouri, of a quantity of apples which were adulterated.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 5, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$5.

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

**22878. Adulteration of butter. U. S. v. Hill County Creamery Co. Plea of guilty. Fine, \$25. (F. & D. no. 31401. Sample no. 37247-A.)**

This case was based on a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 2, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court