

23031. Adulteration of apples. U. S. v. C. M. Holtzinger Fruit Co., Inc. Plea of nolo contendere. Fine, \$60. (F. & D. no. 31483. Sample nos. 18048-A, 31232-A, 31257-A.)

This case was based on interstate shipments of apples, examination of which showed the presence of arsenic and lead.

On April 28, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the C. M. Holtzinger Fruit Co., Inc. Yakima, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 28 and November 29, 1932, and February 23, 1933, from the State of Washington into the State of Montana, of quantities of apples which were adulterated. Two of the shipments were labeled in part: "Faced and filled 17 Stayman [or "Winesap"] * * * Yakima Valley Fruit C. M. Holtzinger Fruit Co., Yakima, Wash."

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

On October 3, 1934, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$60.

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

23032. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$500. (F. & D. no. 31491. Sample no. 31145-A.)

Samples packages of butter taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On April 12, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Astoria, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about February 22, 1933, from the State of Oregon into the State of Washington, of a quantity of butter which was misbranded. The article was labeled in part: "Weight One Pound Swift's Premium Quality Brookfield Sweet Cream Butter * * * Distributed by Swift & Company * * * Chicago."

It was alleged in the information that the article was misbranded in that the statement, "Weight One Pound" borne on the package, was false and misleading, and in that it was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound of butter. 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, since the statement made was incorrect.

On October 23, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$500.

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

23033. Adulteration and misbranding of butter. U. S. v. Fergus County Creamery. Plea of guilty. Fine, \$100. (F. & D. no. 31531. Sample nos. 44427-A to 44430-A, incl.)

This case was based on the shipment of four lots of butter, samples of which were found to contain 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 an information against the Fergus County Creamery, a corporation, Lewistown, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 31, 1933, from the State of Montana into the State of California, of quantities of butter which was adulterated, and portions of which were also misbranded. One shipment was labeled: "Armour's Star Quality Cloverbloom * * * Butter * * * Armour Creameries, Chicago, Distributors." Two of the shipments were labeled: "Armour's Cloverbloom * * * Butter * * * Distributed by Armour Creameries, General Offices, Chicago." One shipment consisted of tub butter labeled, "Standard."

The information charged that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of portions of the article was alleged for the reason that the statement "Butter", borne on the packages, was false and misleading, and for