

Misbranding was alleged for the reason that the statements, "Pure Preserves Strawberry", "Pure Preserves Red Raspberry", "Pure Preserves Peach", and "Pure Preserves Cherry", borne on the labels of certain of the lots, were false and misleading and for the further reason that they were labeled so as to deceive and mislead the purchaser, since they were not preserves, but were products containing less fruit than preserves contain, and in some instances contained added water, pectin, and tartaric acid; and for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding was further charged against certain of the lots of preserves and the lot of cranberry jelly in that the statements regarding the quantity of the contents, "Net Weight 16 Ozs.", "Net Weight 32 Ozs.", and "Contents 18 Ounces", borne on the labels, were false and misleading and for the further reason that the said lots were labeled so as to deceive and mislead the purchaser, since the jars contained less than declared on the label. Misbranding of practically all lots was alleged for the further reason that they were 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 was incorrect and was not in proper form. Misbranding was alleged with respect to one lot of strawberry preserves for the reason that the package by its appearance and size constituted a false and misleading design or device regarding the quantity of the contents, since its size and capacity represented that it contained 2 pounds of the article, whereas it contained less than 2 pounds; and for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since it was labeled, "Net Weight 12 Ozs.", which was incorrect in that the package contained slightly in excess of 1 pound 14 ounces of the article.

On October 30, 1934, a plea of nolo contendere was entered on behalf of the defendant company. The sentence of the court was that the defendant be placed on probation for 30 days.

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

23157. Misbranding of butter. U. S. v. Armour & Co. (Armour Creameries.) Plea of guilty. Fine, \$100. (F. & D. no. 32130. Sample no. 43260-A.)

Sample cartons 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 August 16, 1934, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, trading as Armour Creameries, Fargo, N. Dak., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about June 6, 1933, from the State of North Dakota into the State of New Jersey, of a quantity of butter which was misbranded. The article was labeled in part: "Armour's Cloverbloom Full Cream Butter 1 Lb. Net Weight Armour Creameries. * * * One Pound Net Weight."

The article was alleged to be misbranded in that the statements, "1 Lb. Net Weight" and "One Pound Net Weight", borne on the carton, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the cartons contained less than 1 pound. 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 September 24, 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.*

23158. Adulteration of apple butter. U. S. v. National Fruit Product Co. Plea of nolo contendere. Fine, \$100. (F. & D. no. 32207. Sample nos. 26550-A, 32532-A.)

This case was based on shipments of apple butter, samples of which were found to contain insects or insects and rodent hairs.

On July 11, 1934, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Fruit Product Co., a corporation, Winchester, Va., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 13 and September 27, 1932,