

further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the cans examined contained less than 1 gallon 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, since the statement made was incorrect.

On January 29, 1935, a plea of nolo contendere was entered and the defendant was found guilty. Sentence was suspended and the defendant was placed on 30 days' probation.

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

24246. Adulteration of cabbage. U. S. v. Charles E. Gibson, Inc. Plea of guilty. Fine, \$10. (F. & D. no. 33861. Sample nos. 62487-A, 62489-A.)

Examination of the cabbage involved in this case showed the presence of arsenic and lead in amounts that might have rendered it injurious to health.

On November 24, 1934, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles E. Gibson, Inc., Meggett, S. C., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 16, 1934, from the State of South Carolina into the State of Maryland, of quantities of cabbage which was adulterated. The article was labeled in part: "Gibson Brand Grown and Packed by Chas. M. Gibson Co. Meggett, S. C."

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

On January 23, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

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

24247. Adulteration and misbranding of butter. U. S. v. Bridgeman-Russell Co. Plea of guilty. Fine, \$50. (F. & D. no. 33862. Sample nos. 68224-A, 68238-A.)

This case was based on interstate shipments of butter that contained less than 80 percent of milk fat.

On December 4, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bridgeman-Russell Co., a corporation, Duluth, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 7 and March 14, 1934, from the State of Minnesota into the State of Rhode Island, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Case) "Ferncrest * * * Creamery Butter Cooper & Sisson Inc. Providence, R. I."; (carton) "Ferncrest Creamery * * * Butter."

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

Misbranding was alleged for the reason that the statement, "butter", borne on the case and carton, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since the said statement represented that the article was butter, a product containing not less than 80 percent by weight of milk fat; whereas it was not butter since it contained less than 80 percent by weight of milk fat.

On December 4, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

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

24248. Adulteration and misbranding of chocolate dates and pine patties. U. S. v. S. Fisher & Co. Plea of guilty. Fine, \$100. (F. & D. no. 33864. Sample nos. 51690-A, 67606-A, 67607-A, 67608-A, 67623-A, 68887-A.)

This case was based on interstate shipments of products which were represented to be chocolate-covered dates and chocolate-covered pineapple, respectively. Examination showed that the chocolate covering of both products contained excessive cocoa shells, and that the product represented to be chocolate-covered pineapple consisted of chocolate-covered pineapple cores.

On December 10, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the