

district court an information against S. Fisher & Co., a corporation, Hoboken, N. J., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 17, February 21, February 27, and March 6, 1934, from the State of New Jersey into the State of Pennsylvania, of quantities of chocolate-covered dates and pine patties which were adulterated and misbranded. The articles were labeled, variously: "Fisher's * * * Choc. Dates Manufactured by S. Fisher & Co. Inc. Hoboken, N. J."; "Fisher's * * * Pine Patties Manufactured by S. Fisher & Co. Inc. Hoboken, N. J."; "Fisher's Chocolate Covered Dates"; "Fisher's Candies * * * Choc. Pitted Dates Guaranteed by S. Fisher & Co. Inc. Hoboken, New Jersey, U. S. A."

The articles were alleged to be adulterated in that a substance, excess cocoa bean shell, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for the said articles. Adulteration of the pine patties was alleged for the further reason that a substance, pineapple core, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Choc. Dates", "Chocolate Dates", "Pine Patties", and "Choc. Pitted Dates", borne on the labels of the respective products, were false and misleading and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the articles were dates and pineapple covered with chocolate, whereas they were not dates and pineapple covered with chocolate but were dates and pineapple cores covered with a coating containing more cocoa bean shell than chocolate contains.

On January 25, 1935, 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.*

24249. Adulteration of butter. U. S. v. Arnold Cooperative Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 33872. Sample no. 6914-B.)

This case involved an interstate shipment of butter that was found to contain less than 80 percent by weight of milk fat.

On December 26, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Arnold Cooperative Creamery Co., a corporation, Arnold, Nebr., alleging shipment by said company in violation of the Food and Drugs Act on or about July 10, 1934, from the State of Nebraska into the State of New York, of a quantity of butter which was adulterated.

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 defined by the act of Congress of March 4, 1923, which the article purported to be.

On January 14, 1935, 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.*

24250. Adulteration of canned prunes, and misbranding of canned pitted cherries. U. S. v. Ray-Maling Co., Inc. Plea of guilty. Fine, \$180. (F. & D. no. 33876. Sample nos. 47768-A, 60436-A, 60446-A.)

This case was based on a shipment of canned prunes which were found to be in part decomposed; and a shipment of canned pitted cherries which were short weight and which fell below the standard established by regulation of the Secretary of Agriculture, since they were water-packed and were partially pitted, and were not labeled to indicate that they were partially pitted or properly labeled to show that they were water-packed.

On January 16, 1935, 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 the Ray-Maling Co., Inc., a corporation, Hillsboro, Oreg., alleging shipment by said company on or about February 27, 1934, from the State of Oregon into the State of California of a quantity of canned prunes which were adulterated in violation of the Food and Drugs Act, and on or about February 7, 1934, from the State of Oregon into the State of California of a quantity of canned pitted cherries which were misbranded in violation of said act as amended. The articles were labeled in part, respec-

tively: "Water Fresh Prunes U/L Jacobson Shealy Co. San Francisco, Calif. F. H. Co."; "Newmark Brand Special Extra Packed in Water Pitted Red Cherries Packed for M. A. Newmark & Co. Los Angeles U. S. A. Net Contents 1 Lb. 4 Oz."

The information charged that the canned prunes were adulterated in that they consisted in part of a decomposed vegetable substance.

Misbranding was alleged with respect to the canned pitted cherries for the reason that the statements, "Special Extra Pitted Red Cherries" and "Net Contents 1 Lb. 4 Oz.", borne on the label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser since the said statements represented that the article was special extra pitted red cherries and that each of the cans contained 1 pound 4 ounces thereof; whereas it was not special extra pitted red cherries but was partially pitted cherries and the cans contained less than 1 pound 4 ounces. Misbranding of the canned cherries was alleged for the further reason that partially pitted red cherries had been offered for sale under the distinctive name of another article, namely, pitted red cherries, and 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. Misbranding of the canned cherries was alleged for the further reason that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department, indicating that it fell below such standard.

On January 29, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$180.

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

24251. Misbranding of bread. U. S. v. The Star Baking Co. Plea of guilty. Fine, \$40. (F. & D. no. 33884. Sample nos. 03-B, 04-B.)

This case was based on interstate shipments of bread which was found to be short weight.

On December 28, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Star Baking Co., a corporation, Colorado Springs, Colo., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 9, 1934, from the State of Colorado into the State of Kansas, of a quantity of bread which was misbranded. The article was labeled in part: "Town Talk Sliced Bread 18 oz. or Over The Star Baking Company Colorado Springs, Colo."

The article was alleged to be misbranded in that the statement, "18 Oz. or Over", borne on the label, was 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 loaves examined contained less than 18 ounces. 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 it was not stated in terms of the largest unit, namely, in pound and ounces, and in that the quantity of the contents was less than 1 pound and 2 ounces.

On January 10, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$40.

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

24252. Misbranding of apple butter. U. S. v. Hulman & Co. Plea of guilty. Fine, \$50. (F. & D. no. 33906. Sample nos. 68613-A, 68614-A.)

This case was based on interstate shipments of apple butter which was found to be short weight.

On January 21, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hulman & Co., a corporation, Terre Haute, Ind., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 10 and February 14, 1934, from the State of Indiana into the State of Illinois of quantities of apple butter which was misbranded. A portion of the article was labeled: (Can) "Farmers Pride Brand Contents 4 Lb. 6 Oz. Avd. * * * Pure Apple Butter Hulman &