

24821. Adulteration of evaporated peaches. U. S. v. Consolidated Packing Co. Plea of guilty. Fine, \$50. (F. & D. no. 33886. Sample no. 48209-A.)

This case was based on an interstate shipment of evaporated peaches which were in part moldy, dirty, and worm-infested.

On January 4, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Consolidated Packing Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 3, 1934, from the State of California into the State of Washington of a quantity of evaporated peaches which were adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable and animal substance.

On September 28, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

24822. Adulteration and misbranding of cream. U. S. v. Isadore Fine. Plea of guilty. Sentence suspended and defendant placed on probation for 3 years. (F. & D. no. 33888. Sample no. 7127-B.)

This case involved an interstate shipment of alleged cream which was found to consist essentially of skimmed milk emulsified with a fat other than milk fat. The label of the product failed to bear a statement of the quantity of the contents.

On November 8, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Isadore Fine, Brooklyn, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 28, 1934, from the State of New York into the State of Massachusetts of a quantity of cream which was adulterated and misbranded.

The article was alleged to be adulterated in that a substance, namely, a fat other than milk fat had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and in that an imitation cream consisting essentially of skimmed milk emulsified with a fat other than milk fat had been substituted for cream which the article purported to be.

Misbranding was alleged for the 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. Misbranding was alleged for the further reason that the statement "Pasteurized Heavy Cream", borne on the can containing the article, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not pasteurized heavy cream, but was a product consisting essentially of skimmed milk emulsified with a fat other than milk fat. Misbranding was alleged for the further reason that the article was an imitation of another article, namely, cream.

On September 25, 1935, the defendant entered a plea of guilty and was placed on probation for 3 years under a suspended sentence.

W. R. GREGG, *Acting Secretary of Agriculture.*

24823. Misbranding of cherries. U. S. v. Chelsea Packing Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 33896. Sample no. 38885-A.)

This case involved a shipment of cherries which were short weight.

On April 29, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chelsea Packing Co., Inc., having its principal place of business at Brooklyn, N. Y., alleging that on May 17, 1935, the defendant company sold and delivered to a purchaser in New York, N. Y., a quantity of cherries under a guaranty that the product complied with the Federal Food and Drugs Act; that the article so delivered and guaranteed was shipped by the purchaser on May 17, 1935, from the State of New York into the State of California; and that it was misbranded in violation of the Food and Drugs Act as amended. The article was contained in bottles labeled in part: "Falcon Brand * * * Cherries * * * Net Weight 2½ oz. Falcon Packing Co. Distributors New York."

The article was alleged to be misbranded in that the statement "Net Weight 2½ oz.", borne on the bottle label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser,