

district court an information against the Curtiss Candy Co., a corporation, at Chicago, Ill., alleging that on or about March 12 and September 7, 1935, the defendant company shipped from the State of Illinois, into the States of Michigan and Indiana, respectively, quantities of candy that was misbranded in violation of the Food and Drugs Act as amended.

The articles were variously labeled in part: "Curtiss Candy Company * * * Curtiss Baby Ruth 1½ Oz. Net Weight"; "Butter Finger * * * Net Weight 1½ Oz."; "Butter Finger 1½ Oz. Net Weight."

The articles were alleged to be misbranded in that the statements borne on the labels, "1½ Oz. Net Wt." and "Net Weight 1½ Oz.", were false and misleading and tended to deceive and mislead the purchaser since the products weighed less than the amounts indicated on the respective labels; and in that they were foods in package form and the quantities of contents were not plainly and conspicuously marked on the outside of the packages, since the quantities were less than the amounts indicated on the labels.

On June 30, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26193. Adulteration of canned salmon. U. S. v. San Juan Fishing & Packing Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 37002. Sample nos. 53695-B, 54495-B.)

This case involved a shipment of canned salmon that was in part decomposed and putrid.

On May 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the San Juan Fishing & Packing Co., a corporation, at Seattle, Wash., alleging that on or about July 23, 1935, the defendant had shipped from Port San Juan, Alaska, to Seattle, Wash., a quantity of canned salmon that was adulterated in violation of the Food and Drugs Act.

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

On September 21, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26194. Adulteration of butter. U. S. v. Benjamin Franklin Huggins (Huggins Dairy). Plea of guilty. Fine, \$25. (F. & D. no. 37009. Sample no. 40871-B.)

This case involved butter that was deficient in milk fat.

On June 24, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Benjamin Franklin Huggins, trading as Huggins Dairy, Lewiston, Idaho, alleging that on or about December 16, 1935, the defendant shipped from Lewiston, Idaho, into the State of Washington, a quantity of butter which was adulterated in violation of the Food and Drugs Act.

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 act of Congress, which the article purported to be.

On July 9, 1936, a plea of guilty was entered by the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26195. Adulteration of canned salmon. U. S. v. Peril Straits Packing Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 37013. Sample nos. 53692-B, 54492-B.)

This case involved canned salmon that was in part decomposed.

On May 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Peril Straits Packing Co., a corporation, at Seattle, Wash., alleging that on or about August 14, 1935, the defendant had shipped from Alaska into the State of Washington a number of unlabeled cans of salmon, and that the article was adulterated in violation of the Food and Drugs Act.

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

On September 21, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26196. Adulteration and misbranding of preserves. U. S. v. Ile De France Import Co. Plea of guilty. Fine, \$500. (F. & D. no. 37032. Sample nos. 44109-B, 44110-B, 44116-B, 44117-B, 44118-B, 44119-B, 44122-B, 44123-B, 44124-B, 44125-B, 44130-B, 44131-B, 44132-B, 44133-B.)

This case involved preserves that were deficient in fruit and contained added sugar and pectin.

On July 2, 1936, 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 Ile De France Import Co., a corporation, Brooklyn, N. Y., alleging shipment by said company on or about September 25, October 5, October 8, November 7, and November 15, 1935, from the State of New York into the States of Rhode Island and Massachusetts of quantities of preserves that were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: "Paramount Brand Pure Strawberry [or "Raspberry"] Preserves. Ile De France Import Co. N. Y."

The articles were alleged to be adulterated in that excess sugar, excess water, and added pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality; in that mixtures of fruit (strawberry or raspberry), sugar, pectin, and water, containing less fruit than preserves should contain, had been substituted for strawberry and raspberry preserves, which the articles purported to be; and in that excess sugar, excess water, and added pectin had been mixed with deficient amounts of fruit in a manner whereby the inferiority of the articles to strawberry and raspberry preserves was concealed.

The articles were alleged to be misbranded in that the statement "Pure Strawberry Preserves" and "Pure Raspberry Preserves", borne on the jars, were false and misleading in that they represented that the articles were strawberry and raspberry preserves, respectively; whereas they were not strawberry and raspberry preserves but were products containing excess sugar, excess water, and added pectin and were deficient in fruit; in that said statements were borne on the jars so as to deceive and mislead the purchaser; and in that the articles were imitations of and were offered for sale under the distinctive names of other articles, namely, strawberry and raspberry preserves.

On September 8, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$500.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26197. Misbranding of Roquefort Spread. U. S. v. The Borden Sales Co., Inc. Plea of guilty. Fine, \$125. (F. & D. no. 37053. Sample nos. 50299-B, 50610-B.)

This case involved Roquefort Spread that was short in weight.

On July 28, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Borden Sales Co., Inc., at Antwerp, N. Y., alleging that on or about November 28, 1935, the defendant had shipped from the State of New York into the State of New Jersey, a quantity of Roquefort Spread which was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "5 Ozs. Net Borden's * * * Roquefort Spread Pasteurized Process Cheese The Borden Sales Company, Inc., New York—Chicago—San Francisco Distributors."

The article was alleged to be misbranded in that the statement "5 Ozs. Net", borne on the jars, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the jars contained less than 5 ounces net 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.

On July 28, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$125.

HARRY L. BROWN, *Acting Secretary of Agriculture.*