

borne on the labels so as to deceive and mislead the purchaser since the product labeled "Honey" did not consist wholly of honey but did consist in part of glucose, and the cans contained less than  $4\frac{1}{2}$  pounds or 2 pounds; and the jars containing the preserves contained less than 16 ounces thereof; and in that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. The honey was alleged to be misbranded further in that it was composed in part of glucose, prepared in imitation of honey, and was offered for sale and sold under the distinctive name of another article, honey.

On April 26, 1938, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$150.

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

**28936. Adulteration of apples. U. S. v. 37 Bushels of Apples (and 3 similar seizure actions). Product ordered released under bond for cleaning.** (F. & D. Nos. 41791 to 41794, incl. Sample Nos. 47318-C, 47386-C, 47388-C, 47389-C.)

This product was contaminated with arsenic and lead.

On or about December 7, 1937, the United States attorney for the Southern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 229 bushels of apples at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about September 14 and 16, and October 4, 1937, from Proctorville, Ohio, by H. E. Ellis & Turley, and charging adulteration in violation of the Food and Drugs Act.

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

On March 5, 1938, the cases having been consolidated and H. E. Ellis & Turley, claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, the product was ordered released under bond conditioned that the deleterious substances be removed by washing.

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

**28937. Adulteration of frozen eggs. U. S. v. Utah Poultry Producers Cooperative Association. Plea of guilty. Fine, \$26.** (F. & D. No. 39471. Sample Nos. 3214-C, 3215-C, 3216-C.)

This product was in whole or in part decomposed.

On July 31, 1937, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Utah Poultry Producers Cooperative Association, a corporation, Salt Lake City, Utah, alleging shipment by said defendant in violation of the Food and Drugs Act on or about April 25 and June 22, 1936, from the State of Utah into the State of California of quantities of frozen eggs which were adulterated. The article was labeled: "Milkwhite Egg Meats \* \* \* Utah Poultry Producers Cooperative Ass'n."

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

On April 21, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$26.

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

**28938. Adulteration of rabbits. U. S. v. 18 Sacks and 17 Sacks of Rabbits. Consent decrees of condemnation and destruction.** (F. & D. Nos. 41526, 41528. Sample Nos. 3401-D, 3402-D.)

Examination of these rabbits showed that they were in whole or in part decomposed, moldy, or diseased.

On January 24 and 26, 1938, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 35 sacks of rabbits at Denver, Colo., consigned by the Robertson Produce Co., alleging that the article had been shipped in interstate commerce on or about January 17 and 20, 1938, from Portales, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

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