

19732. Adulteration and misbranding of candy. U. S. v. Mason, Au & Magenheimer Confectionery Manufacturing Co. Plea of guilty. Sentence suspended. (F. & D. No. 27500. I. S. Nos. 29382, 30309, 30346.)

This action was based on four interstate shipments of chocolate-covered candy, samples of which were found to contain excessive cocoa shell.

On July 20, 1932, 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 of the United States for the district aforesaid an information against the Mason, Au & Magenheimer Confectionery Manufacturing Co., a corporation, trading at Brooklyn, N. Y., alleging shipments by said company, in violation of the food and drugs act, on various dates, in part on or about March 2, March 10, and April 9, 1931, from the State of New York into the State of New Jersey, and in part on or about April 15 and May 5, 1931, from the State of New York into the State of Pennsylvania, of quantities of candy that was adulterated and misbranded. A portion of the article was labeled in part: (Box) "Mason's Peaks Fresh Cocoanut Delicious Chocolate * * * Mason, Au & Magenheimer Conf. Mfg. Co.;" (wrapper) "Pure delicious chocolate." The remainder of the article was labeled in part: (Box) "Mason Mints;" (wrapper) "Buy Peaks Chocolate Mason Mints."

It was alleged in the information that the article was adulterated in that excessive shell had been substituted in part for pure chocolate, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Chocolate" and "Pure Delicious Chocolate," borne on the labeling, were false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the article was not pure chocolate but consisted in part of excessive shell. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, "Pure Chocolate" or "Chocolate."

On July 27, 1932, a plea of guilty to the information was entered on behalf of the defendant company and the court ordered that sentence be suspended.

HENRY A. WALLACE, *Secretary of Agriculture.*

19733. Adulteration of canned blackberries. U. S. v. 200 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27821. I. S. No. 46502. S. No. 5908.)

Samples of canned blackberries from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On March 8, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 cases of canned blackberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce by Puyallup & Sumner Fruit Growers Association, on or about January 21, 1932, from Tacoma, Wash., to Los Angeles, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "Charmed Land Brand Blackberries packed by Puyallup & Sumner Fruit Growers Association, Puyallup, Washington, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19734. Adulteration and misbranding of frozen eggs. U. S. v. Frigid Food Products (Inc.). Plea of guilty. Fine, \$200. (F. & D. No. 26677. I. S. No. 28330.)

This action was based on the interstate shipment of canned frozen eggs, samples of which were found to contain added undeclared sugar.

On October 6, 1931, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, an information against the Frigid Food Products (Inc.), a corporation, Detroit, Mich., alleging shipment by said company in violation of the food and drugs act, on or about January 22, 1931, from the State of Michigan into the State of Pennsylvania of a quantity of frozen eggs that were adulterated and misbranded. The article

was labeled in part: (Cans) "Frigid Food Products, Inc. * * * Frigidegs Frozen Strictly Fresh Gold Yolks * * * Eggs."

It was alleged in the information that the article was adulterated in that added sugar had been substituted in part for frozen eggs which the article purported to be.

Misbranding was alleged for the reason that the statements, "Frigidegs, * * * Gold Yolks * * * Eggs * * * Frozen strictly Fresh," appearing on the label, were false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the article did not consist wholly of frozen eggs but did consist in part of added sugar. Misbranding was alleged for the further reason that the article was offered for sale and was sold under the distinctive name of another article, "Frigidegs."

On November 24, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

HENRY A. WALLACE, *Secretary of Agriculture.*

19735. Adulteration of apples. U. S. v. 174 Boxes of Apples. No claim entered. Verdict for Government. Decree of condemnation and confiscation. Product ordered destroyed or disposed of to charitable institutions. (F. & D. No. 27811. I. S. No. 47247. S. No. 5911.)

Arsenic and lead having been found on samples of apples from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Louisiana.

On March 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 174 boxes of apples at Shreveport, La., alleging that the article had been shipped by the Pacific Fruit & Produce Co., from Wenatchee, Wash., on or about February 10, 1932, and had been transported from the State of Washington into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Redman Brand Wenatchee District Apples distributed by Universal Fruit Co., Inc., Wenatchee, Washington * * * The Olds Company, Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, arsenic and lead, which might have rendered the apples injurious to health.

On April 4, 1932, no claimant having appeared for the property and a jury having found the allegations of the libel to be true and correct, judgment of condemnation and confiscation was entered and it was ordered by the court that the product be destroyed by the United States marshal. The decree provided, however, that the marshal might, if practicable, have the apples processed to make them noninjurious and dispose of them to charitable institutions.

HENRY A. WALLACE, *Secretary of Agriculture.*

19736. Adulteration of tomato catsup. U. S. v. 17 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27896. I. S. Nos. 37630, 42224. S. No. 5938.)

Samples of tomato catsup from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 10, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 cases of tomato catsup, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in various consignments on or about September 30, October 7, and October 24, 1931, by Greenbaum Bros., from Seaford, Del., and had been transported from the State of Delaware into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ribbon Brand Tomato Catsup * * * Distributed by Frey & Son, Inc., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered by the court ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*