25858. Adulteration and misbranding of candy. U. S. v. Al Stein (Midwest Candy Co.). Plea of guilty. Fine, $10. (F. & D. no. 34019. Sample no. 41269–A.)

This case involved an interstate shipment of candy that contained alcoholic liquor.

On June 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Al Stein, a member of a firm trading under the name of the Midwest Candy Co., Chicago, Ill., alleging that on or about February 24, 1934, the defendant had shipped from Chicago, Ill., into the State of Minnesota a number of boxes in cases billed as candy, and that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Genuine Old Time Favorite Cordials Not a Confection, Sale to Minors Prohibited 24 Pieces Tax Paid Cordials."

The article was alleged to be adulterated, in the case of confectionery, in that it contained spirituous liquor.

The article was alleged to be misbranded in that the statement "Not a Confection", borne on said boxes, was false and misleading in that it represented that said article was not a confection; whereas, in truth and in fact, it was a confection; and in that said statement was borne on said boxes so as to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement of numerical count, "24 Pieces", did not give accurate information as to the quantity, i. e., the weight.

On February 10, 1936, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of $10.

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

25859. Adulteration and misbranding of potatoes. U. S. v. Diercks, Huxtable & Baldwin, Inc., and Felix A. Lukasavitz. Pleas of guilty. Fines, $30. (F. & D. no. 34059. Sample no. 64402–A.)

This case involved an interstate shipment of potatoes that fell below the standard established by the Secretary of Agriculture and were not labeled to indicate that they were substandard.

On August 5, 1935, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Diercks, Huxtable & Baldwin, Inc., and Felix A. Lukasavitz, Custer, Wis., alleging that on or about April 4, 1934, the defendants, in the name of Diercks & Sons, shipped and delivered for shipment a quantity of potatoes, from Custer, Wis., to Diercks, Huxtable & Baldwin, Inc., Chicago, Ill.; that the article had been reconsigned from Chicago, Ill., to Lafayette, Ind.; and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Wisconsin Potatoes U. S. Grade No. 1, 100 Lbs. Net Weight When Packed, Diercks & Sons, Antigo, Wis."

The article was alleged to be adulterated in that potatoes of a lower grade than U. S. No. 1 had been substituted in whole or in part for U. S. grade No. 1 potatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement "Potatoes U. S. Grade No. 1", borne on the sack, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the potatoes were not U. S. grade No. 1 but were of a lower grade.

On January 7, 1936, and March 9, 1936, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of $25 against the corporation and $5 against Felix A. Lukasavitz.

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

25860. Adulteration and misbranding of canned corn. U. S. v. 838 Cases and 18 Cans of Canned Corn. Default decree of condemnation. Product released under bond. (F. & D. no. 34342. Sample no. 14286–B.)

This case involved a shipment of canned corn that contained worms of the corn borer type.

On November 23, 1934, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 838 cases and 18 cans of canned corn at Essex Junction, Vt., alleging that the article had been shipped by H. C. Baxter & Bro., from Essex Junction, Vt., on or about August 8, 1934,