

pink card shipped with one lot, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not consist essentially of yeast but did consist in large part of corn meal, which does not represent the utmost in feeding value for livestock and poultry and it was not a pure, unadulterated bacteria product free from any foreign materials or ingredients. Misbranding was further alleged under the provisions of the law applicable to foods, in that the article was composed in large part of corn meal prepared in imitation of a product composed essentially of yeast, and was offered for sale, and sold under the distinctive name of another article, namely, yeast and stock yeast.

Further misbranding was charged under the provisions of the law applicable to drugs, in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on a white card shipped with one lot, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for white diarrhea, coccidiosis in poultry, and necro and scours in swine.

On December 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$10 and costs.

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

25535. Misbranding of jellies and preserves. U. S. v. Wooster Preserving Co., a corporation. Plea of nolo contendere. Fine, \$400 and costs. (F. & D. no. 31527. Sample nos. 4605-A, 32808-A, 32809-A, 32810-A, 32811-A, 32813-A, 32814-A, 32815-A, 32816-A, 32817-A.)

The containers of these articles bore labels that erroneously represented the weight of their contents.

On June 21, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wooster Preserving Co., a corporation, Wooster, Ohio, alleging shipment by it, in violation of the Food and Drugs Act, as amended, in the period from September 20, 1932, to February 18, 1933, from Wooster, Ohio, to Fort Wayne, Ind., and Pittsburgh, Pa., of quantities of jellies and preserves that were misbranded. The articles were labeled, severally, in part: (Jar) "Apple & Strawberry Net Weight 8 Oz. Avd. Pure Sugar Jelly Packed By The Wooster Preserving Co. Wooster, Ohio."; (can) "Red Raspbry-Preserves * * * 8½ Lbs.-W"; (can) "Strawbry Preserves * * * Contents 8½ Lbs.-W"; (can) "Peach Preserves * * * Contents 8½ Lbs.-W"; (can) "Apricot Preserves * * * Contents 8½ Lbs.-W"; (can) "Apple-Currant Jelly * * * Contents 8½ Lbs."; (can) "Apple-Strawberry Jelly * * * Contents 8½ Lbs."; (can) "Apple-Grape Jelly * * * Contents 8½ Lbs."; (can) "Apple-Raspbry Jelly * * * Contents 8½ Lbs."

Misbranding of the apple and strawberry jelly was charged (a) under the allegations that the labels on the jars bore the statement, to wit, "Net Weight 8 Oz.", that each of the jars contained an amount less than 8 ounces, and that the said statement was false and misleading; (b) under the allegation that the article was labeled as aforesaid so as to deceive and mislead the purchaser; (c) under the allegation that the article was in package form and that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of each of the nine other articles was severally charged (a) under the allegations that the labels on the cans bore the statement, to wit, "8½ Lbs.", that each of the cans contained an amount less than 8½ pounds, that the said statement was false and misleading; (b) under the allegation that the article was labeled as aforesaid so as to deceive and mislead the purchaser; (c) under the allegation that the article was in package form and that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 21, 1936, a plea of nolo contendere having been entered, a fine of \$400 was imposed, with costs.

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

25536. Alleged adulteration of cold-pack strawberries. U. S. v. 359 Barrels of Cold-Pack Strawberries. Libel dismissed. (F. & D. no. 31565. Sample no. 49993-A.)

Decomposed fruit was alleged to be present in this product.

On November 9, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 359 barrels of