

State of Washington into the State of Oregon of a quantity of canned cherries which were misbranded. The article was labeled in part: "Real Fruit Brand \* \* \* Pitted Red Sour Cherries In Water Packed By National Fruit Canning Co. Seattle-Wash."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On October 19, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$300 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**25311. Adulteration of frozen eggs. U. S. v. Litchfield Produce Co. Plea of guilty. Fine, \$10.** (F. & D. no. 35919. Sample no. 20684-B.)

This case involved frozen eggs which were in part decomposed.

On September 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Litchfield Produce Co., a corporation, Litchfield, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 7, 1934, from the State of Minnesota, into the State of New York of a quantity of frozen eggs which were adulterated.

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

On October 14, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**25312. Adulteration of apples. U. S. v. George W. Haxton & Son, Inc. Plea of guilty. Fine, \$50.** (F. & D. no. 35920. Sample nos. 13762-B, 13763-B, 14459-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts which might have rendered them injurious to health.

On September 9, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George W. Haxton & Son, Inc., Oakfield, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 15, 1934, from the State of New York into the State of Massachusetts, and on or about September 29, 1934, from the State of New York into the State of Illinois of quantities of apples which were adulterated.

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

On October 21, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**25313. Adulteration and misbranding of butter. U. S. v. George Freese's Sons Co. Plea of nolo contendere. Fine, \$100 and costs.** (F. & D. no. 35924. Sample nos. 2259-B, 2260-B, 2261-B.)

This case was based on a shipment of butter which was low in milk fat and was short in weight.

On September 20, 1935, 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 George Freese's Sons Co., a corporation, Fostoria, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 29, 1934, from the State of Ohio into the State of Michigan of quantities of butter which was adulterated and misbranded. The article was labeled, variously: "Fostoria's \* \* \* Roll Butter Fostoria, Ohio 1 Lb. Net"; "Golden Valley Butter \* \* \* Lloyd L. Lawless—Toledo, Ohio One Poun Net"; "Pure Creamery Butter \* \* \* Fostoria, Ohio Fostoria Creamery Co. George Freese's Sons Co. Proprietors One Pound-Net." A portion of the article was in quarter-pound cubes labeled "¼ Lb. Net Weight", and a portion was in half-pound prints labeled "½ lb. Net Weight."