

the district court an information against the C. H. Musselman Co., a corporation, Biglerville, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of December 3, 1933, and May 12, 1934, from the State of Pennsylvania into the States of New York, West Virginia, Colorado, California, Texas, and Ohio, of quantities of apple butter and jellies which were misbranded. The articles were labeled in part, variously: "Musselman's Contents 1 Lb. 12 oz. Pure Apple Butter * * * Manufactured By The C. H. Musselman Co. Biglerville, Pa."; "Moon Rose Brand * * * Jelly Contents 16 oz. Hubbard Grocery Co. Dist. Charleston W Va."; "Contents 14 oz Penn Maid Brand * * * Jelly manufactured by The C H Musselman Co."; "Big Value Pure Apple Jelly Contents 14 oz Packed for Big Value Products Co., Houston Texas"; "Musselman's Brand Contents 5 oz [or "Net Contents 5 oz"] * * * Jelly Manufactured By The C. H. Musselman Co."

The articles were alleged to be misbranded in that the statements, "Contents 1 Lb. 12 oz.", "Contents 16 oz.", "Contents 14 oz." "Net Contents 5 oz.", and "Contents 5 oz", borne on the jar labels, were false and misleading; and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since each of a large number of the jars examined contained less than declared on the label. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 5, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$240.

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

24965. Adulteration of butter. U. S. v. 20 Boxes of Butter. Default decree of condemnation and destruction. (F. & D. no. 35626. Sample no. 36251-B.)

This case involved a shipment of butter that contained mold and filth.

On May 13, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes of butter at Boston, Mass., consigned about May 4, 1935, alleging that the article had been shipped in interstate commerce by the Armour Creameries, Inc., from Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act.

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

On September 9, 1935, Armour & Co., the sole intervenor, having withdrawn its claim for the property, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24966. Adulteration of dried apricots. U. S. v. 548 Boxes and 163 Boxes of Dried Apricots. Default decree of condemnation and destruction. (F. & D. no. 35637. Sample nos. 33088-B, 33089-B.)

This case involved a shipment of dried apricots which were worm-infested.

On or about June 12, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 711 boxes of dried apricots at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 16, 1934, by the California Prune & Apricot Growers Association, from Hanford, Calif., 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 vegetable substance.

On August 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24967. Adulteration and misbranding of egg noodles. U. S. v. 30 Packages, et al., of Egg Noodles. Default decree of condemnation and destruction. (F. & D. no. 35638. Sample nos. 30722-B, 30723-B, 30724-B.)

This case involved egg noodles which were adulterated and misbranded because of the presence of added soybean meal and color. The products were further misbranded, because certain of the lots did not bear a plain and

conspicuous declaration of the quantity of the contents, and one lot was labeled to indicate that it was made by a firm other than the real manufacturer.

On or about June 11, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 352 packages of egg noodles at Manchester, Conn., alleging that the article had been shipped in interstate commerce on or about April 3, 1935, by Schneider's Home Made Egg Noodle Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Dutch Maid Egg Noodle Products * * * Schneiders Home Made Egg Noodle Co. Brooklyn, New York." The remainder was labeled in part: "Dutch Maid Pure Egg Noodles Richardson Food Packing Company, Inc. [or "Schneider's Home Made Egg Noodle Co., Inc.,"] Brooklyn, N. Y. * * * Made [or "Manufactured"] in accordance with all U. S. Gov't Requirements."

The article was alleged to be adulterated in that a product containing soybean meal and an added color, turmeric, had been substituted for egg noodles, which the article purported to be; and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Egg Noodle Products" and "Pure Egg Noodles", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of egg noodles, soybean flour, and added coloring matter, turmeric. Misbranding was alleged with respect to two lots of the product for the further reason that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the label bore the original statement "Net Weight 4 Oz." in which the figure "4" had not been obliterated, the figures "12" and "6" having been written on the label with pen in such a way that the original printed figure "4" was just as prominent, if not more so, than the correct net weight figures which had been inserted with pen. Misbranding was alleged with respect to the remainder of the product for the further reason that the statement on the label, "Made [or "Manufactured"] In Accordance with All U. S. Gov't Requirements", was false and misleading, and tended to deceive and mislead the purchaser, and in that the statement on the label of some of the packages, "Richardson Food Packing Company, Inc. Brooklyn, N. Y.", was misleading and tended to deceive and mislead the purchaser, since it implied that that company was the manufacturer; whereas Schneider's Home Made Egg Noodle Co. was the manufacturer.

On September 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24968. Adulteration of cream. U. S. v. Thirteen 5-Gallon Cans, et al., of Cream. Consent decrees of destruction. (F. & D. nos. 35643, 35645, 35646, 35647. Sample nos. 23698-B, 23699-B, 28626-B, 28627-B.)

These cases involved various shipments of cream which was filthy or decomposed or both filthy and decomposed.

On May 21, May 23, and May 24, 1935, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of forty-one 5-gallon cans and forty 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce in various shipments on or about May 18, May 19, May 21, and May 22, 1935, by Blaine Simon, Junior, W. Va.; W. A. Morgan, Porters Falls, W. Va.; Farmers Dairy, Cumberland, Md.; Lyle Leichter, Cameron, W. Va.; P. T. Greene, Mannington, W. Va.; I. B. Mitchell, Moatsville, W. Va.; James Hammon, Rinehart, W. Va.; R. K. Wright, Falling Waters, W. Va.; J. M. Mallow, Petersburg, W. Va.; C. J. Roy, Clarksburg, W. Va.; J. Ferguson Barnsley, Rockville, Md.; A. L. Vincent, Shinnston, W. Va.; C. E. Murfin, Hancock, W. Va.; J. C. Dean, Ellenboro, W. Va.; C. N. Robinson, Weston, W. Va.; F. D. Sayers, Bridgeport, W. Va.; Perry Powers, Core, W. Va.; J. L. Boor, Petersburg, W. Va.; M. K. Bowers, Charlestown, W. Va.; G. W. Riggenbaugh, N. Martinsville, W. Va.; Freeland & Fletcher, Middlebourne, W. Va.; Erastus Fulks, Villa Nova, W. Va.; C. C. Hickerson, Davis, W. Va.; Della Ramsey, Clem, W. Va.; M. Starcher, Jane Lew, W. Va.; W. J. Caulter, Brunswick, Md.; Zipf Hardware Co., St. Marys, W. Va.; L. W. Summers, Fairmont, W. Va.; Roy De Garmo, Wellsburg, W. Va.; Mendenhall & Son, Newport, Ohio; Roy C. Paul, Frederick, Md.; D. B. Parish,