On October 6, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Cracker Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about January 13, January 20, and January 27, 1934, from the State of Washington into the State of California, of quantities of Graham crackers which were misbranded. The article was labeled in part: "San Francisco Biscuit Co. * * * 2 pounds net weight * * * Orange Flavored Honey Flavored, Sweetened with Sugar * * * Graham Crackers."

The article was alleged to be misbranded in that the statements, "Orange Flavored Honey Flavored" and "2 pounds Net Weight", borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained no detectable flavor of orange and honey, and each of a large number of the packages examined contained less than 2 pounds. Misbranding was alleged for the further reason that the article was food 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 November 13, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $100 on the first count and $25 on each of four other counts to which the defendant company had pleaded, and ordered sentence suspended on all counts but the first.

M. L. WILSON, *Acting Secretary of Agriculture.*

23350. Adulteration of canned cherries, and misbranding of canned cherries and canned pears. U. S. v. National Fruit Canning Co. Plea of guilty. Fine, $80 and costs. (F. & D. no. 33756. Sample nos. 45459–A, 54980–A, 58712–A, 66685–A, 66686–A.)

This case was based on a shipment of canned cherries that were adulterated because of the presence of excessive pits, and 2 shipments of canned cherries and 1 of canned pears that were misbranded, because they fell below the standard established by this Department and were not labeled to indicate that they were substandard.

On October 31, 1934, the United States attorney for the Western District of Washingon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Fruit Canning Co., Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about October 28 and October 30, 1933, from the State of Washington into the State of Colorado, of quantities of canned cherries that were misbranded; on or about November 20, 1933, from the State of Washington into the State of Pennsylvania of a quantity of canned pears which were misbranded; and on or about January 6, 1934, from the State of Washington into the State of California of a quantity of canned cherries which were adulterated. A portion of the cherries were contained in unlabeled cans, each enclosed in a carton labeled: "T. & H. San Fran. R. S. P. Cherries." The remainder of the cherries and the pears were labeled: "National Red Brand Pitted Red Sour Cherries [or "National Blue Brand Pitted Red Sour Cherries", or "National Red Bartlett Pears"] * * * Packed by National Fruit Canning Co., Seattle."

The information charged adulteration of one lot of cherries in that an excessive number of unpitted cherries had been mixed and packed therewith, so as to reduce and lower and injuriously affect their quality and strength, and for the further reason that a substance, partially pitted cherries, had been substituted for pitted cherries, which the article purported to be.

Misbranding was alleged with respect to the remainder of the cherries, for the reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, i. e., it was water-packed cherries, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, showing that it fell below such standard. Misbranding of the canned pears was alleged for the reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, i. e., the pieces—the halved pears—had been excessively trimmed so that the normal shape had been destroyed, and the package or the label did not bear the substandard legend prescribed by regulation of this Department.

On December 12, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $80 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

23351. Misbranding of alfalfa leaf meal. U. S. v. Saunders Mills, Inc. Plea of nolo contendere. Fine, $50 and costs. (F. & D. no. 33762. Sample nos. 19179–A, 19180–A.)

This case was based on interstate shipments of alfalfa meal and alfalfa leaf meal that contained less protein and more fiber than declared on the labels.

On November 13, 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 Saunders Mills, Inc., Toledo, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about October 18 and 27, 1933, from the State of Ohio into the State of Indiana, of quantities of alfalfa leaf meal which was misbranded. Both shipments were labeled: (Tag) "Alfalfa Leaf Meal Registered by Saunders Mills, Inc., Toledo, Ohio Guaranteed Analysis Crude Protein, not less than 20.0% * * * Crude Fiber, not more than 18.0%." One lot bore a second tag reading in part: "Alfalfa Meal * * * Manufactured By Saunders Mills, Inc., Toledo, Ohio Leaf Velvet Brand Made Principally from Alfalfa Leaves. Guaranteed Analysis Crude Protein, not less than 20.0 Per Cent * * * Crude Fibre, not more than 18.0 Per Cent."

The article was alleged to be misbranded in that the statements, "Guaranteed Analysis Crude Protein, not less than 20.0% [or "20.0 Per Cent"] * * * Crude Fiber, not More than 18.0% [or "18.0 Per Cent"]", borne on the tags, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 20 percent of crude protein and more than 18 percent of crude fiber.

On January 2, 1935, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of $50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

23352. Misbranding of Arcadia sweet relish, hot relish, and pepper hash. U. S. v. Kirgan's Arcadia Farms, Inc. Plea of guilty. Fine, $35. (F. & D. no. 33763. Sample nos. 38470–A, 38471–A, 38472–A.)

Sample jars of the products involved in this case were found to contain less than 8 ounces, the weight declared on the label.

On September 17, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Kirgan's Arcadia Farms, Inc., Cincinnati, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 28, 1934, from the State of Ohio into the State of California, of quantities of relishes, etc., which were misbranded. The articles were labeled in part: "Kirgan's Arcadia Farm Products Net Wt. 8 Oz. Avd. 'Arcadia' Sweet Relish [or "Hot Relish" or "Pepper Hash"] * * * Kirgan's Arcadia Farms Incorporated * * * Cincinnati, Ohio."

The articles were alleged to be misbranded in that the statement, "Net Wt. 8 oz. Avd.," borne on the jar labels, was false and misleading, and in that the said statement was borne on the label so as to deceive and mislead the purchaser, since each of nearly all of the jars examined contained less than 8 ounces. Misbranding was alleged for the further reason that the articles were foods in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On October 17, 1934, a plea of guilty was entered on behalf of the defendant company, and on October 19, 1934, the court imposed a fine of $35.

M. L. WILSON, *Acting Secretary of Agriculture.*

23353. Adulteration and misbranding of butter. U. S. v. Chapin & Adams Co. Plea of nolo contendere. Fine, $100. (F. & D. no. 33769. Sample no. 47019–A.)

This case was based on an interstate shipment of oleomargarine labeled as "Creamery Butter."

On September 12, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed