ponent, or its equivalent in milk solids and water in the proportion normal to milk; whereas it was not, but was bread deficient in milk solids; and for the further reason that the article was offered for sale under the distinctive name of another article, milk-made bread. Misbranding was alleged with respect to all shipments 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.

On September 10, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $120.

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

**22888. Misbranding of currant jelly. U. S. v. The Red Wing Co., Inc. Plea of guilty. Fine, $100.** (F. & D. no. 32151. Sample no. 47165-A.)

Sample jars of currant jelly taken from the shipment on which this case was based were found to contain less than 10 ounces, the labeled weight.

On September 4, 1934, 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 the Red Wing Co., Inc., trading at Fredonia, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 2, 1933, from the State of New York into the State of Massachusetts, of a quantity of currant jelly which was misbranded. The article was labeled in part: "Red Wing Pure Currant Jelly 10 Ozs. Avd. Net. The Red Wing Company, Inc. Fredonia, N. Y."

The article was alleged to be misbranded in that the statement, "10 ozs. Avd. Net.", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the jars contained less than 10 ounces of the article.

On September 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $100.

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

**22889. Misbranding of canned cherries. U. S. v. Victor Food Corporation. Plea of guilty. Fine, $25.** (F. & D. no. 32164. Sample no. 51327-A.)

Sample cans of cherries taken from the shipment involved in this case were found to contain less than 1 pound 5 ounces, the weight declared on the label.

On September 4, 1934, 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 the Victor Food Corporation, Victor, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about July 31, 1933, from the State of New York into the State of New Jersey, of a quantity of canned cherries which were misbranded. The article was labeled in part: "Hersh's Best Brand * * * Pitted Red Cherries * * * L. F. Hersh & Bro. Distributors, Elizabeth, N. J. Contents 1 Lb. 5 ozs."

The article was alleged to be misbranded in that the statement, "Contents 1 lb. 5 ozs.", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the cans contained less than 1 pound 5 ounces.

On September 11, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $25.

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

**22890. Adulteration of cauliflower. U. S. v. Elmer G. Hartner and Calvin W. Kunz (Western Vegetable Distributors). Plea of guilty. Fine, $100.** (F. & D. no. 32171. Sample nos. 42649-A, 42746-A.)

This case was based on interstate shipments of cauliflower which was found to bear arsenic in an amount that might have rendered it injurious to health.

On July 9, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elmer G. Hartner and Calvin W. Kunz, copartners, trading as the Western Vegetable Distributors, Denver, Colo., alleging shipment by said defendants on or about July 20, 1933, from the State of Colorado into the State of Ohio, and on or about July 26, 1933, from the State of Colorado into the State of Oklahoma, of quantities of cauliflower which was adulterated. A portion of the article was labeled in part: "Rose Del Rancho, Western Vegetable Distributors * * * Denver Colo."