and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the baskets labeled "1⅞ in. Min." contained peaches of less than 1⅞ inches minimum diameter, the baskets labeled "2 in." contained peaches of less than 2 inches minimum diameter, and the baskets labeled "2¼ In." contained peaches of less than 2¼ inches minimum diameter.

On June 29, 1934, the defendant entered a plea of guilty and the court imposed a fine of $25.

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

22723. Adulteration of tullibees. U. S. v. Sivert A. Selvog (Warroad Fish Co.). Plea of guilty. Fine, $150. (F. & D. no. 32140. Sample nos. 32142–A, 32145–A, 32146–A, 43246–A, 35450–A.)

This case was based on several interstate shipments of tullibees which were infested with worms.

On May 24, 1934, 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 Sivert A. Selvog, trading as the Warroad Fish Co., Warroad, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 20, June 3, June 5, and July 8, 1933, from the State of Minnesota into the State of New York, and on or about June 17, 1933, from the State of Minnesota into the State of Illinois, of quantities of tullibees which was adulterated. The article was labeled in part: "Warroad Fish Co., Warroad, Minn."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance; and in that it consisted of portions of animals unfit for food.

On June 25, 1934, the defendant entered a plea of guilty and the court imposed a fine of $150.

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

22724. Adulteration of butter. U. S. v. Harry Peterson (Arrow Creamery Co.). Plea of guilty. Fine, $25. (F. & D. no. 32150. Sample no. 38297–A.)

This case was based on a shipment of butter that contained less than 80 percent of milk fat.

On June 26, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry Peterson, trading as the Arrow Creamery Co., Salt Lake City, Utah, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 8, 1933, from the State of Utah into the State of California, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On July 21, 1934, the defendant entered a plea of guilty and the court imposed a fine of $25.

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

22725. Misbranding of canned mixed vegetables. U. S. v. Rocky Mountain Packing Corporation. Plea of guilty. Fine, $25. (F. & D. no. 32168. Sample no. 13740–A.)

This case was based on a shipment of canned mixed vegetables which were represented to include certain vegetables not contained in the article.

On June 9, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rocky Mountain Packing Corporation, Ephraim, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about March 17, 1932, from the State of Utah into the State of California, of a quantity of canned mixed vegetables which were misbranded. The article was labeled in part: (Can) "Manti Brand * * * Fancy Mixed Vegetables * * * Distributed By Rocky Mountain Packing Corporation, Salt Lake City, Utah Manti Brand [vignette of vegetables]."

It was alleged in the information that the article was misbranded in that the statement, "Fancy Mixed Vegetables", and the design of a plate of peas, string beans, celery, pimentos, and lettuce, borne on the label, were false and