On November 21, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

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

21617. Adulteration and misbranding of egg noodles. U. S. v. Figler-Saltzman & Co. Plea of guilty. Fine, $25. (F. & D. no. 28131. I.S. no. 35871.)

This case was based on an interstate shipment of a product represented to be egg noodles, which was found to contain insufficient egg solids to be classed as egg noodles and which was artificially colored to simulate the appearance of egg noodles.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Figler-Saltzman & Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 19, 1931, from the State of Illinois into the State of Michigan, of a quantity of egg noodles that were adulterated and misbranded. The article was labeled in part: (Carton) "Taste Good Genuine Egg Noodles Mfg. by Figler, Saltzman & Glick, Inc., * * * Chicago."

It was alleged in the information that the article was adulterated in that a product deficient in egg solids had been substituted for egg noodles, which the article purported to be. Adulteration was alleged for the further reason that the article was colored with undeclared artificial color in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Egg Noodles", borne on the carton, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not egg noodles, being deficient in egg solids. Misbranding was alleged for the further reason that the article was deficient in egg solids and contained an undeclared artificial coloring substance and was offered for sale under the distinctive name of another article, egg noodles, and for the further reason that it was an imitation of another article.

On December 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

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

21618. Adulteration of apple pomace. U. S. v. 36 Bags of Apple Pomace. Default decree of destruction. (F. & D. no. 31188. Sample no. 57476–A.)

This case involved an interstate shipment of apple pomace that was found to contain excessive lead and arsenic spray residue.

On September 29, 1933, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 bags of apple pomace at Muskogee, Okla., alleging that the article had been shipped in interstate commerce on or about July 31, 1933, by Gregory-Robinson-Speas, Inc., from Rogers, Ark. and charging that it was adulterated in violation of the Food and Drugs Act, since it contained arsenic and lead.

On November 4, 1933, an amended libel was filed representing that the United States marshal had seized 27 bags of the product described in the original libel, also 80 additional sacks similar in appearance and physical make-up to the said 27 bags and that analysis had disclosed that an excessive amount of lead and arsenic spray residue was contained in the product in the said 80 sacks, and charging that the entire 107 bags of the product were adulterated.

On November 23, 1933, no claimant having appeared for the property, judgment was entered finding that the product was adulterated in that it contained an excessive amount of lead and arsenic spray residue and ordering that it be destroyed by the United States marshal.

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

21619. Misbranding of canned cherries. U. S. v. 97 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31293. Sample no. 51327–A.)

Sample cans of cherries from the shipment involved in this case were found to contain less than the declared weight.

On October 30, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 97 cases of canned cherries at Elizabeth, N.J., alleging that the article had been shipped in interstate commerce on or about July 31, 1933, by the Victor Food Corporation, from Victor, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Hersh's Best Brand Sour Pitted Red Cherries Packed in Water Contents 1 Lb. 5 Ozs."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Lb. 5 Ozs., was false and misleading and deceived and misled the purchaser. 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 16, 1933, L. F. Hersh & Bro., Elizabeth, N.J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of $300, conditioned that it be relabeled.

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

21620. Adulteration of herring. U. S. v. 3 Boxes of Fresh Fish. Default decree of destruction. (F. & D. no. 31587. Sample no. 50380-A.)

On October 31, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 boxes of herring at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about October 29, 1933, by the Lake Superior Fish Co., from Duluth, Minn., and charging adulteration in violation of the Food and Drugs Act.

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

On November 1, 1933, the court having found that the product was spoiled and unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

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

21621. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31302. Sample no. 40396-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. Examination also showed that the quantity of the contents was not declared on the label.

On September 28, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by Preston Produce Co., from Preston, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel 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 provided by the act of March 4, 1923.

Misbranding was alleged for the 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 November 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

21622. Misbranding of cottonseed screenings. U. S. v. Lucian C. Worth (L. C. Worth Commission Co.). Plea of guilty. Fine, $1. (F. & D. no. 30327. Sample no. 19806-A.)

This case was based on an interstate shipment of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the tag.