21125. Adulteration of apple chops. U. S. v. 467 Sacks of Apple Chops. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29940. Sample no. 35106-A.)

This case involved a quantity of apple chops containing arsenic and lead in amounts which might have rendered them injurious to health.

On March 15, 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 467 sacks of apple chops at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about May 2, 1931, by the Battletown Fruit Co., from Staunton, Va., 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 contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On June 20, 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.*

21126. Adulteration of apples. U. S. v. W. E. Roche Fruit Co. Plea of guilty. Fine, $25. (F. & D. no. 29468. I. S. no. 41042.)

This case was based on a shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On February 9, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. E. Roche Fruit Co., a corporation, Yakima, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 28, 1931, from the State of Washington into the State of Wisconsin of a quantity of apples which were adulterated. The article was labeled in part: "Jewel Brand Yakima Apples Packed by W. E. Roche Fruit Co., Yakima, Wash."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On May 5, 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.*

21127. Misbranding of assorted chocolate candy. U. S. v. Walker Candy, Inc. Plea of guilty. Fine, $50 and costs. (F. & D. no. 29431. Sample no. 2034-A.)

This action was based on an interstate shipment of assorted chocolate candy, sample packages of which were found to contain less than the declared weight, 1 pound.

On March 8, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Walker Candy, Inc., Owosso, Mich., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 20, 1932, from the State of Michigan into the State of Colorado, of a quantity of assorted chocolates that were misbranded. The article was labeled in part: (Box) "Caprice Assorted Chocolates * * * One Pound Net Marguerite Owosso, Michigan."

It was alleged in the information that the article was misbranded in that the statement on the package, "One Pound Net", was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. 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.

On April 15, 1933, a plea of guilty to the information 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.*