

13823. Misbranding of butter. U. S. v. Hassayampa Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 17812. I. S. Nos. 11355-v, 11368-v.)

On December 28, 1923, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hassayampa Creamery Co., a corporation, Phoenix, Ariz., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 5 and 12, 1923, respectively, from the State of Arizona into the State of Texas, of quantities of butter which was misbranded. The article was labeled in part "Hassayampa Brand Creamery Butter Hassayampa Creamery Co. Phoenix, Ariz. * * * One Pound Net Weight Hassayampa."

Examination by the Bureau of Chemistry of this department of 90 packages of the article from each shipment showed an average net weight of 15.33 and 15.63 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the said article, was false and misleading, in that the said statement represented that the packages each contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound net weight of butter, whereas each of the packages did not contain 1 pound net weight of butter but did contain a less amount. 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 October 28, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13824. Adulteration and misbranding of spring water. U. S. v. 16 Cases of Spring Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20870. I. S. No. 5311-x. S. No. E-5468.)

On August 21, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cases of spring water, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Seawright Mineral Springs (Inc.), from Staunton, Va., May 19, 1925, and transported from the State of Virginia into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "This Is A Natural Spring Water * * * Seawright Fountain of Health This Package Contains One-Half Gallon * * * Seawright Mineral Springs Inc., Staunton, Virginia."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement "This Package Contains One-Half Gallon," borne on the labels, was false and misleading, and 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 October 22, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13825. Misbranding of cottonseed meal. U. S. v. 339 Sacks of Cottonseed Meal. Default decree of condemnation and sale entered. (F. & D. No. 19484. I. S. No. 22280-v. S. No. E-4903.)

On January 15, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 339 sacks of cottonseed meal, remaining in the original unbroken packages at Ashland, Va., alleging that the article had been shipped by the Wilmington Oil & Fertilizer Co., from Wilmington, N. C., on or about November 21, 1924, and transported from the State of North Carolina into the State of Virginia and charging misbranding in violation of the food and drugs