

On September 25, 1923, a plea of guilty to the information was entered on behalf of the defendant firm, and the court imposed a fine of \$30 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12431. Misbranding of butter. U. S. v. Catawba Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17132. I. S. Nos. 3030-v, 3069-v.)

On April 18, 1923, the United States attorney for the Western District of North Carolina, 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 Catawba Creamery Co., a corporation, Hickory, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 12, 1922, from the State of North Carolina into the State of Georgia, and on or about September 8, 1922, from the State of North Carolina into the State of South Carolina, of quantities of butter which was misbranded. The article was labeled in part: "One Pound Net Weight * * * Catawba Gem Butter * * * Catawba Creamery Co. Hickory, N. C."

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 article regarding the said article, was false and misleading in that it represented that each of said packages contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages contained 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 April 23, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12432. Adulteration of evaporated peaches. U. S. v. 83 Boxes of Evaporated Peaches. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16768. I. S. No. 5806-v. S. No. C-3782.)

On August 22, 1922, the United States attorney for the Northern District of Texas, 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 83 boxes of evaporated peaches, at Fort Worth, Tex., alleging that the article had been shipped by the Muller Grocery Co., Jelks, Ark., on or about June 23, 1922, and transported from the State of Arkansas into the State of Texas, and charging adulteration, in violation of the food and drugs act.

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

On September 20, 1922, the Muller Grocery Co., Jelks, Ark., having confessed ownership of the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12433. Misbranding of cottonseed meal. U. S. v. Terrell Oil & Refining Co., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 18094. I. S. No. 10436-v.)

On April 7, 1923, the United States attorney for the Northern District of Texas, 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 Terrell Oil & Refining Co., a corporation, Terrell, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 27, 1922, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Weight 100 Pounds Net "Chickasha Prime" Cottonseed Cake or Meal Guaranteed Analysis: Protein, not less than 43 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.73 per cent of protein. Examination of 20 sacks of the article by said bureau showed the average net weight of the contents to be 98.56 pounds.