

12578. Adulteration and misbranding of butter. U. S. v. Homestead Creamery Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 17519. I. S. Nos. 7525-v, 14305-t.)

On July 5, 1923, the United States attorney for the District of Nebraska, 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 Homestead Creamery Co., a corporation, Mitchell, Nebr., alleging shipment by said company in violation of the food and drugs act, in two consignments, namely, on or about May 14 and August 4, 1922, respectively, from the State of Nebraska into the State of Wyoming, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Platte Valley Gold Creamery Butter * * * Manufactured by The Homestead Creamery Mitchell, Nebraska."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained excessive moisture and was deficient in milk fat.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for creamery butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas, in truth and in fact, it did not so consist but did consist of a product deficient in butterfat and [which] contained an excessive amount of water.

On July 7, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12579. Adulteration of shell eggs. U. S. v. Albert Reimold. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 17425. I. S. No. 3931-v.)

On September 12, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert Reimold, Maitland, Mo., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 4, 1922, from the State of Missouri into the State of Illinois, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Albert Reimold, Maitland, Mo."

Examination by the Bureau of Chemistry of this department of 1,260 eggs from the consignment showed that 191 eggs, or 15 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, blood rings, and spot rots.

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

On March 4, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12580. Adulteration of canned salmon. U. S. v. 500 Cases of Salmon. Tried to the court and a jury. Verdict for the Government. Decree of condemnation and forfeiture entered. Product released under bond, to be reconditioned. (F. & D. No. 17290. I. S. No. 6118-v. S. No. C-3901.)

On February 23, 1923, the United States attorney for the Middle District of Alabama, 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 500 cases of salmon remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the Kelley Clarke Co. from Seattle, Wash., December 28, 1922, and transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Hobby Brand Pink Salmon Packed in Alaska by Southern Alaska Canning Co., main office Seattle, Wash., U. S. A."