

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14101-14150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 22, 1926]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

14101. Misbranding of butter. U. S. v. Corvallis Creamery Co. Plea of guilty. Fine, \$240. (F. & D. No. 19688. I. S. Nos. 23413-v, 23415-v, 23416-v, 23419-v, 23420-v, 23421-v, 23423-v to 23438-v, incl., 23446-v, 23447-v.)

On December 16, 1925, the United States attorney for the District of Oregon, 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 Corvallis Creamery Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about May 17, 20, 21, 25, and 26, and June 11, 1925, respectively, from the State of Oregon into the State of Washington, of quantities of butter which was misbranded. The article was labeled in part: (Carton) "Gold Medal Brand Butter," (paper wrapper) "Weight Four Ounces" (or "Weight One Pound" or "Two Pounds Net Weight") "Oregon Creamery Butter No. 40 Manufactured By Corvallis Creamery Co., Inc. Portland, Oregon."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Weight Four Ounces," "Weight One Pound," and "Two Pounds Net Weight," borne on the wrappers enclosing the said article, were false and misleading, in that the said statements represented that the wrappers contained 4 ounces, 1 pound, or 2 pounds of butter, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the wrappers contained 4 ounces, 1 pound, or 2 pounds of butter, as the case might be, whereas the wrappers did not contain the amount of butter declared thereon but did contain a less amount than so declared. 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 February 16, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$240.

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