

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

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

18751-18850

[Approved by the Secretary of Agriculture, Washington, D. C., May 6, 1932]

18751. Adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$100. (F. & D. No. 25028. I. S. Nos. 026932, 026933.)

Samples of butter from the shipments herein described having been found deficient in butterfat and short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Alabama.

On August 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at Montgomery, Ala., alleging shipment by said company, in violation of the food and drugs act as amended, in part on or about November 25, 1929, and in part on or about December 4, 1929, from the State of Alabama into the State of Louisiana, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Belle Monte Butter * * * Full Weight One Pound."

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as required by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Full Weight One Pound," borne on the cartons containing the article, was false and misleading in that the said statement represented that each of the said cartons contained 1 pound 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 cartons contained 1 pound of butter; whereas each of said cartons did not contain 1 pound of butter, but did contain, in each of a number thereof, 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, since the packages contained less than represented.

On August 24, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18752. Adulteration of butter. U. S. v. 30 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26764. I. S. No. 30544. S. No. 4819.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned June 3, 1931, alleging that the article had been shipped by the Sugar Creek Creamery Co., from Pana, Ill., and had been transported from the State of Illinois into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.