

content appearing on the labels be changed to show the actual percentage of protein contained in the article, and that the statement "Manufactured by Carolina Flour Mills, Burlington, N. C.," be stricken from the labels of the Big C hog and cow feed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18766. Adulteration and misbranding of butter. U. S. v. North American Creameries (Inc.). Plea of guilty. Fine, \$500. (F. & D. No. 25019. I. S. Nos. 08554, 08563, 08566, 011856, 011861.)

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

On January 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the North American Creameries (Inc.), a corporation, trading at Paynesville, Minn., alleging shipment by said company, in violation of the food and drugs act, on or about June 11 and July 17, 1929, from the State of Minnesota into the State of Massachusetts, and on or about July 12 and July 19, 1929, from the State of Minnesota into the State of Illinois, of quantities of butter which was misbranded, and a portion of which was adulterated. The article consisted of tub and print butter. A portion of the print butter was labeled in part: (Carton) "Pasteurized Creamery Butter Manufactured by North American Creamery Co., Paynesville, Minn." The remainder of the said print butter was labeled in part: (Carton) "Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company."

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

Misbranding of the said print butter was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat, as required by law; whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount. Misbranding was alleged in the information with respect to both the print and tub butter for the reason that the article contained less than 80 per cent by weight of milk fat and was offered for sale under the distinctive name of another article, to wit, butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

On April 29, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300 to be paid to the clerk of the court, and an additional fine of \$200, which was suspended.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18767. Adulteration of celery. U. S. v. 300 Crates of Celery. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 26520. I. S. No. 30442. S. No. 4835.)

Examination of samples of celery from the shipment herein described having shown that the article bore a heavy arsenical spray residue, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On June 23, 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 300 crates of celery at Schenectady, N. Y., alleging that the article had been shipped by the Sanford Oviedo Truck Growers Association, Avon Park, Fla., on or about June 9, 1931, and had been transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, to wit, arsenic, which might have rendered it injurious to health.

On August 6, 1931, the shipper and consignee, being the owners and only interested parties in the proceedings, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*