

**19753. Adulteration of canned blackberries. U. S. v. 600 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27186. I. S. Nos. 22431, 273. S. No. 5346.)**

This action was based on a shipment of canned blackberries, samples of which were found to be moldy.

On October 27, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 600 cases of canned blackberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about October 12, 1931, by Puyallup & Sumner Fruit Growers Association from Tacoma, Wash., to San Francisco, Calif., and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Above Par Brand Solid Pack Blackberries." The remainder were labeled in part: (Can) "Fruitfull Brand Cultivated Evergreen Blackberries \* \* \* Packed by Puyallup & Sumner Fruit Growers Ass'n., Puyallup, Wn."

It was alleged in the libel that the article was adulterated in that it consisted partly of moldy berries and a decomposed vegetable substance.

On April 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19754. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co., a Corporation. Plea of guilty. Fine, \$410. (F. & D. No. 27456. I. S. Nos. 21843, 22657.)**

This action was based on two interstate shipments of butter, samples of which were found to be short weight. A portion of the article was also found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

At the April, 1932, term of court, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Mutual Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, in part on or about April 15, 1931, and in part on or about June 9, 1931, from the State of Utah into the State of Nevada, of quantities of butter, a portion of which was misbranded and the remainder of which was adulterated and misbranded. The article was labeled in part: (Packages) "One pound Net Pasteurized Creamery Butter Manufactured & Distributed by Mutual Creamery Company \* \* \* Salt Lake City, Utah."

It was alleged in the information that a portion of the article 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 March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to the said portion for the reason that the statement "Butter" on the label was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article contained less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress. Misbranding was alleged with respect to both lots of the article for the reason that the statement "One Pound Net," borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound net of the article. Misbranding was alleged with respect to both lots 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 statement made was incorrect.

On May 14, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$410.

HENRY A. WALLACE, *Secretary of Agriculture.*