

On or about March 25, 1932, the United States attorney for the Northern District of Illinois, 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 seven cases of print butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on March 11, 1932, by Swift & Co., from Columbus, Nebr., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Glenwood Creamery Butter * * * Distributed by Swift & Company, * * * Chicago, Ill."

It was alleged in the libel that the article was adulterated in that a product deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, since it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On April 5, 1932, Swift & Co., claimant, having admitted the allegations of the libel and 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 released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19766. Adulteration and misbranding of canned mushrooms. U. S. v. Brandywine Mushroom Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 26673. I. S. Nos. 16079, 20462.)

This action was based on the interstate shipment of two lots of canned mushrooms, samples of which were found to contain an excessive proportion of stems. The liquid in the article was described on the label as pure mushroom juice, whereas it consisted of water in which mushrooms had been cooked, with a little added salt.

On October 9, 1931, the United States attorney for the Eastern District of Pennsylvania, 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 Brandywine Mushroom Corporation, trading at West Chester, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about March 23, 1931, from the State of Pennsylvania into the State of Virginia, and on or about April 1, 1931, from the State of Pennsylvania into the State of New York, of quantities of canned mushrooms that were adulterated and misbranded. The article was labeled in part: (Can) "Cultivated Brandywine Sliced Mushrooms Brandywine Mushroom Corp. West Chester Pa. * * * This sauce is pure mushroom juice."

It was alleged in the information that the article was adulterated in that a mushroom product, consisting in the major portion, of mushroom stems, had been substituted in large part for sliced mushrooms, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Sliced Mushrooms" and "This sauce is pure mushroom juice," borne on the can label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was sliced mushrooms consisting in the major portion of mushroom caps, sliced, and that the sauce contained therewith was pure mushroom juice, whereas the article consisted in the major portion of mushroom stems, and the sauce consisted of a liquid mixture composed of blanch water and brine, which contained some extracted soluble solids.

On April 1, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*