

marked on the outside of the package, since the statement of weight appearing on the label was incorrect.

On October 22, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$330.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20199. Adulteration and misbranding of butter. U.S. v. 121 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond for reworking. (F. & D. nos. 28902, 28987. Sample nos. 4662-A, 4666-A.)

These actions involved the interstate shipments of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 18, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 202 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about August 8, 1932, and in part on or about August 15, 1932, by the Emerald Cooperative Creamery Assn., from Emerald, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, 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 contained less than 80 percent 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 percent of milk fat.

On August 25, 1932, the Emerald Cooperative Creamery, Emerald, Wis., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of bonds in the total sum of \$3,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20200. Adulteration and misbranding of butter. U.S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28898. Sample no. 3570-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 16, 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 17 tubs of butter remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 27, 1932, by Kimball Creamery Co., from Kimball, Nebr., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, 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 contained less than 80 percent of butterfat.

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

On September 1, 1932, C. H. Weaver & Co., Chicago, Ill., 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 for reworking under the supervision of this Department, upon payment of costs

and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20201. Adulteration of pears. U.S. v. 532 Boxes of Bartlett Pears, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 28933, 28934, 29065, 29066, 29067. Sample nos. 4814-A, 4815-A, 4816-A, 4817-A, 4818-A.)

These actions involved several carloads of pears that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On or about September 2, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid five libels praying seizure and condemnation of a total of 2,660 boxes of pears at Chicago, Ill., alleging that the article had been shipped by the Lambert Marketing Co. from Tehachapi, Calif., in various shipments on or about August 22, August 24, and August 25, 1932, and had been transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Tejon Brand Tehachapi Bartletts * * * Lambert Marketing Co. * * * California." The remainder was labeled in part: "Lambert Marketing Co. * * * T-hacha-P Brand * * * California Mountain Bartletts Tehachapi Fruit Growers Assn. Tehachapi, California."

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

The Lambert Marketing Co., Sacramento, Calif., having entered an appearance as claimant and having admitted the allegations of the libel and consented to the entry of a decree, the five cases were consolidated into one cause of action. On September 7, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for salvaging under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$13,000, conditioned 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20202. Misbranding of cottonseed cake and meal. U.S. v. Independent Cotton Oil Co. of Wagoner. Plea of guilty. Fine, \$50. (F. & D. no. 27419. I.S. nos. 18318, 18319.)

This action was based on the interstate shipment of quantities of cottonseed cake and meal, sample sacks of which were found to contain less than 100 pounds, the weight declared on the label.

On January 4, 1932, the United States attorney for the Eastern District of Oklahoma, 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 Independent Cotton Oil Co. of Wagoner, a corporation, Wagoner, Okla., alleging shipment by said company, in violation of the Food and Drugs Act as amended, in part on or about October 31, 1930, and in part on or about December 27, 1930, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed cake and meal that was misbranded. The article was labeled in part: (Sack tag) "100 Pounds Net Weight Cotton Seed Cake and Meal * * * Manufactured by Independent Cotton Oil Co. of Wagoner * * * Oklahoma."

It was alleged in the information that the article was misbranded in that the statement "100 Pounds Net Weight" was 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 sacks contained less than 100 pounds. 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 stated on the outside of the package, since the statement made was incorrect.

On November 10, 1932, the defendant company entered a plea of guilty to each count of the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*