

20715. Adulteration of butter. U. S. v. Almond Cooperative Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 27497. I. S. nos. 35120, 36424.)

This case was based on 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 March 19, 1932, the United States attorney for the Western District of Wisconsin, 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 Almond Cooperative Creamery Co., a corporation, Almond, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 9 and June 22, 1931, from the State of Wisconsin into the State of Illinois, of quantities of butter that was adulterated.

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

On August 6, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

20716. Adulteration and misbranding of candy. U. S. v. Louise Darrow and Florence Rudden (Darrow & Rudden). Pleas of guilty. Fine, \$50. (F. & D. no. 28037. I. S. no. 33905.)

This case was based on an interstate shipment of chocolate-covered candy, the chocolate covering of which was found to have been made from skim milk instead of whole milk, as represented.

On June 28, 1932, the United States attorney for the Southern District of New York, 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 Louise Darrow and Florence Rudden, copartners, trading as Darrow & Rudden, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about May 15, 1931, from the State of New York into the State of Pennsylvania, of a quantity of chocolate-covered candy that was adulterated and misbranded. The article was labeled in part: "Milk Choc. Cov. Cream Peanut Clusters Cherry Brand * * * Darrow & Rudden, Manufacturers New York, N. Y."

It was alleged in the information that the article was adulterated in that a covering prepared from skim milk had been substituted for a covering prepared from whole milk, which the covering purported to be.

Misbranding was alleged for the reason that the statement, "Milk Choc. Cov.", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the covering of the article was prepared from whole milk, whereas it was prepared from skim milk.

On July 1, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

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

20717. Adulteration of walnuts. U. S. v. 89 Bags of Walnuts. Portion of product condemned and released under bond. Libel dismissed as to remainder. (F. & D. nos. 29630, 29631. Sample nos. 24137-A, 25399-A.)

Samples taken from the walnuts involved in this case were found to be insect-infested, moldy, and rancid.

On December 14, 1932, the United States attorney for the Eastern District of Missouri, 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 89 bags of walnuts, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about September 30, 1932, by Rosenberg Bros. & Co., from Orange, Calif., to St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Crop 1932 Walnuts Packed by Rosenberg Bros. & Co."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On January 25, 1933, 66 of the 89 bags having been seized by the marshal, on motion of the United States attorney the libel was dismissed as to 54 bags, and the court ordered that they be delivered to the claimant. On the same date, the claimant having petitioned for release of the remaining 12 bags, and having filed a bond in the sum of \$200, judgment of condemnation was entered and it was ordered by the court that the bond be approved and that the said 12 bags be delivered to the claimant to be brought into compliance with the law under the supervision of this Department.

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

20718. Adulteration and misbranding of canned frozen whole eggs. U. S. v. 100 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29667. Sample no. 33757-A.)

This case involved an interstate shipment of canned frozen eggs that were found to be in part decomposed. Certain of the cans bore no statement of the quantity of the contents.

On or about December 23, 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 100 cans of frozen whole eggs at Chicago, Ill., alleging that the article had been shipped in interstate commerce on November 7, 1932, by the Werner Poultry Co., from North Minneapolis, Minn., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Tag) "From the Werner Poultry Co. Greenberg & Werner—Copartners * * * No. Minneapolis, Minn."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged with respect to a portion of the article for the reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 11, 1933, the Lakeside Produce Co., Inc., 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 claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

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

20719. Adulteration and misbranding of butter. U. S. v. Albert Mitchell (Aneta Creamery & Produce Co.). Plea of guilty. Fine, \$25. (F. & D. no. 28152. I. S. nos. 41026, 44920.)

This action was based on the interstate shipment 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 November 3, 1932, the United States attorney for the District of North Dakota, 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 Albert Mitchell, trading as Aneta Creamery & Produce Co., at Aneta, N.Dak., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about November 10, 1931, and November 18, 1931, from the State of North Dakota into the State of Minnesota, of quantities of butter that was adulterated and misbranded. The article was labeled in part: (Carton) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter" was false and misleading, and for the further reason that the article was labeled "Butter", so as to deceive and mislead the purchaser, since it was not butter, but was a product containing less than 80 percent by weight of milk fat.