

that a product, insufficiently evaporated apples, had been substituted for evaporated apples, which the article purported to be.

Misbranding was alleged for the reason that the statement "Evaporated Apples", borne on the boxes, 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 product was not evaporated apples but consisted of insufficiently evaporated apples, namely, a product containing excessive water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, evaporated apples.

On March 17, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

20756. Adulteration and misbranding of butter. U. S. v. Joseph Kenneth Martin (Lortin Farms Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 29422. Sample no. 5513-A.)

This case was based on a shipment of butter that was deficient in milk fat and short weight.

On February 4, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Joseph Kenneth Martin, trading as the Lortin Farms Creamery, East Saugatuck, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about May 9, 1932, from the State of Michigan into the State of Illinois, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Lortin Farms Pure Creamery Butter East Saugatuck, Michigan one pound net weight."

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 should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter * * * one pound net weight", borne on the 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 article was not butter as defined by law, and the packages contained less than 1 pound net weight. 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 marked on the outside of the package.

On March 4, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

20757. Adulteration of oysters. U. S. v. Walter V. Wentworth and Raymond T. Wentworth (O. E. Wentworth & Co.). Plea of guilty. Fine, \$30 and costs. (F. & D. no. 29419. I. S. nos. 50046, 50831, 52122.)

This case was based on interstate shipments of oysters that contained excessive water.

On March 13, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Walter V. Wentworth and Raymond T. Wentworth, copartners, trading as O. E. Wentworth & Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 17, 1932, from the State of Maryland into the States of Ohio and Michigan, of quantities of oysters that were adulterated. The article was labeled in part: "Oysters * * * Packed by O. E. Wentworth & Co., Baltimore, Md."

It was alleged in the information that the article was adulterated in that excessive water 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 oysters, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, oyster solids, had been in part abstracted.