

On March 14, 1933, defendant Walter V. Wentworth appeared and entered a plea of guilty to the information, and the court imposed a fine of \$30 and costs.

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

20758. Misbranding of strawberry jelly. U. S. v. Hunt Bros. Packing Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. no. 29377. I. S. no. 12784.)

This case was based on an interstate shipment of a product, labeled strawberry jelly, which was found upon examination to consist of a strawberry pectin jelly, deficient in fruit juice. The statement on the label, "Pectin Added", did not appear in connection with the name and did not apprise the purchaser of the deficiency in fruit juice.

At the February 1933 term of the United States District Court for the Western District of Washington, the United States attorney filed an information against the Hunt Bros. Packing Co., a corporation trading at Puyallup, Wash., alleging shipment by said company on or about October 17, 1931, from the State of Washington into the State of Louisiana of a quantity of strawberry jelly that was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Hunt's Supreme Quality Strawberry Jelly, Hunt Brothers Packing Co. * * * San Francisco, Cal. * * * Pectin Added."

It was alleged in the information that the article was misbranded in that the statement "Supreme Quality Strawberry Jelly", borne on the label, 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 it was not supreme quality strawberry jelly but was a strawberry pectin jelly deficient in strawberry substance. Misbranding was alleged for the further reason that the article was strawberry pectin jelly and was offered for sale under the distinctive name of another article.

On February 18, 1933, a plea of nolo contendere 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.*

20759. Adulteration and misbranding of butter. U. S. v. Watervliet Cooperative Creamery Association. Plea of guilty. Fine, \$50. (F. & D. no. 29429. Sample no. 4153-A.)

This case was based on an interstate shipment 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 14, 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 the Watervliet Cooperative Creamery Association, a corporation, Watervliet, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 10, 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: "Everbest Sweet Cream Butter Hollister's Everbest Creamery Butter * * * Delivered to your Dealer Creamery Fresh by John Sander, Inc. * * * Chicago, Ill."

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 of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, 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 as defined by law.

On March 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

20760. Adulteration of butter. U. S. v. Alfred Sjoberg (Bridgewater Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. no. 29446. Sample no. 3558-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On March 1, 1933, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States an information against Alfred Sjoberg, trading as the Bridgewater Creamery Co., Bridgewater, S.Dak., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 14, 1931, from the State of South Dakota into the State of Iowa, of a quantity of butter that was adulterated.

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.

On March 16, 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.*

20761. Adulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$25. (F. & D. no. 29334. I. S. no. 47796.)

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On November 11, 1932, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Sugar Creek Creamery Co., a corporation, trading at Indianapolis, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 26, 1932, from the State of Indiana into the State of Ohio of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Carton) "Jersey Lily Brand Creamery Butter * * * Distributed by Sugar Creek Butter Company of Florida, Orlando, Florida."

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 of milk fat.

Misbranding was alleged for the reason that the statement "Butter", borne on the carton, 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 as defined by law.

On March 1, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

20762. Adulteration of canned shrimp. U. S. v. 1,000 Cases of Canned Shrimp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 28540. Sample no. 1556-A.)

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed.

On July 27, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 1,000 cases of canned shrimp, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about April 27, 1932, by the Dorgan, McPhillips Packing Corporation, from Mobile, Ala., to Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Gulf Kist Brand Fancy Medium Shrimp * * * Packed by Dorgan, McPhillips Packing Corp., Mobile, Ala."

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

On February 24, 1933, the Dorgan, McPhillips Packing Corporation, having appeared and 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 destroyed by the United States marshal.

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