

21075. Adulteration and misbranding of butter. U. S. v. Washington Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29467. I. S. nos. 23281, 23314, 23505. Sample nos. 1826-A, 1827-A.)

This case was based on various shipments of butter, a portion of which was below the standard established by law, since it contained less than 80 percent by weight of milk fat; a portion was short weight, the packages containing less than the declared weight, 1 pound; and one shipment was low in milk fat, also short weight.

On April 12, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Washington Creamery Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended, in various consignments, on or about April 4, 8, 11, 18, and 19, 1932, from the State of Washington to the Territory of Alaska, of quantities of butter, a part of which was adulterated, a part of which was misbranded, and a part of which was adulterated and misbranded. The article was labeled in part: "Blue Ribbon Brand [or "Premier Brand"] Butter One Pound Distributed By Washington Creamery Co. Seattle, Washington."

It was alleged in the information that the butter in certain shipments was adulterated in that a product deficient in milk fat, since it contained 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 as defined by the act of Congress of March 4, 1923, which the article purported to be.

It was further alleged that the butter in the remaining shipments, also in one of the shipments which was low in milk fat, was misbranded in that the statement "One Pound", 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 each of a large number of the packages contained less than 1 pound. Misbranding of the said portions 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, since the statement "One Pound" was incorrect.

On May 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21076. Adulteration of butter. U. S. v. Farmers Cooperative Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 29479. Sample no. 11404-A.)

This action involved 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 23, 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 Farmers Cooperative Creamery Co., a corporation, Marion, Mich., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 3, 1932, from the State of Michigan into the State of New York, 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 May 13, 1933, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21077. Adulteration of apple butter. U. S. v. 95 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29766. Sample no. 26550-A.)

This case involved an interstate shipment of apple butter that was found to contain insects.

On January 21, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 cases of apple butter at Cumberland, Md., alleging that the article had been shipped in interstate commerce, on or about September 13, 1932, by the National Fruit Product Co., from Winchester, Va., and charging adulteration in violation of the Food and Drugs

Act. The article was labeled in part: (Jar) "Mt. Vernon Brand Apple Butter National Fruit Product Company, Incorporated, Washington, D.C."

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

On June 15, 1933, the claimant having decided not to contest the action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21078. Adulteration and misbranding of flour. U. S. v. 140 Sacks of Flour. Default decree entered. Product ordered delivered to unemployed. (F. & D. no. 30411. Sample no. 2996-A, 22022-A.)

This case involved a shipment of flour that was artificially bleached and was not labeled to indicate the fact.

On May 5, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 sacks of flour at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about January 23, 1933, by Larabee Flour Mills Co., from Clinton, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "10 Lbs. Savage Diamond Quality Cake Flour M. W. Savage Factories, Inc., Minneapolis, Minn."

It was alleged in the libel that the article was adulterated in that chlorine had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality, and for the further reason that artificially bleached flour containing added chlorine had been substituted for cake flour.

Misbranding was alleged for the reason that the statement "Cake Four" was false and misleading and deceived and misled the purchaser, when applied to artificially bleached flour. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 21, 1933, no claim or appearance having been entered, and the court having found that the flour, while not complying with the requirements of the Food and Drugs Act, was fit for human consumption, judgment was entered ordering that it be delivered to an organization of the unemployed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21079. Misbranding of apple butter. U. S. v. 89 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30485. Sample no. 33666-A.)

This case involved an interstate shipment of a quantity of apple butter, samples of which were found to be short weight.

On May 19, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 cases of apple butter at New Orleans, La., alleging that the article had been shipped on or about March 1, 1933, by the Lippincott Co., from Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jars) "2 Lb. 3 Oz. Net Alameda Brand Apple Butter. Boone Products Corp. Cincinnati, O."

It was alleged in the libel that the article was misbranded in that the statement "2 Lb. 3 Oz. Net" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the food was in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On June 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21080. Adulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of nolo contendere. Fine, \$75. (F. & D. no. 30159. Sample no. 20332-A.)

This action was based on an interstate shipment of butter, samples of which were found to be deficient in milk fat, since they contained less than 80 percent by weight of milk fat, the standard provided by act of Congress.