

21140. Adulteration and misbranding of butter. U. S. v. John Austin Emigh (Shady Lawn Creamery Co.). Plea of guilty. Fine, \$110. (F. & D. no. 29418. Sample nos. 1539-A, 1540-A, 1542-A, 1551-A.)

This case was based on four interstate shipments of butter. Sample cartons taken from each of the lots were found to contain less than 1 pound, the declared weight. The product in three of the four lots was also found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 16, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Austin Emigh, trading as the Shady Lawn Creamery Co., Walla Walla, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, in various consignments, on or about May 10, May 17, May 24, and May 27, 1932, from the State of Washington into the State of Oregon, of quantities of butter which was misbranded, and portions of which also were adulterated. The packages were labeled: "Shady Lawn Creamery Butter * * * One Pound Net Weight [or "Highland Creamery Butter * * * 1 Lb. Net Weight"] Shady Lawn Creamery Company, Walla Walla, Washington."

The information charged adulteration of three of the four shipments of butter, 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.

Misbranding of the said three lots was alleged for the reason that the statement, "Butter" 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 said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, as required by law; whereas it was not. Misbranding was alleged with respect to all lots for the reason that the statements, "One Pound Net Weight" or "1 Lb. Net Weight", were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. 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 June 7, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$110.

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

21141. Adulteration of butter. U. S. v. Alfred Richard Christensen (Junction City Creamery). Plea of guilty. Fine, \$10. (F. & D. no. 29425. Sample no. 1625-A.)

This case was based on a shipment of butter which was deficient in milk fat.

On May 26, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alfred Richard Christensen, trading as Junction City Creamery, Junction City, Oreg., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 23, 1932, from the State of Oregon into the State of Washington, 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 26, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

21142. Adulteration and misbranding of grape jelly and strawberry and blackberry preserves. U. S. v. Wallace Roberts Canning Co. Plea of guilty. Fine, \$1. (F. & D. no. 27554. I. S. nos. 27899, 27983, 27987, 29943, 30723.)

This case was based on interstate shipments of a quantity of grape jelly which contained added pectin and of quantities of strawberry and blackberry preserves which contained a greater proportion of sugar than should be contained in pure preserves.