Misbranding was alleged for the reason that the statements, "Prepared Mustard Contents two lbs.", were false and misleading and deceived and misled the purchaser when applied to a product that contained added mustard bran and was short weight. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article and for the further reason that it 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 made was incorrect.

On November 27, 1933, no claimant having appeared for the property, judgment of condemnation 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.*

21828. Adulteration and misbranding of butter. U. S. v. Reginald J. Smith (Scales Mound Creamery). Plea of guilty. Fine, $50. (F. & D. no. 30200. Sample nos. 2682-A, 2683-A, 2684-A.)

This case was based on interstate shipments of several lots of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. One of the lots failed to bear a statement on the packages of the quantity of the contents.

On July 10, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Reginald J. Smith, trading as the Scales Mound Creamery, Scales Mound, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 5, 1932, from the State of Illinois into the State of Iowa, of quantities of butter which was adulterated and portions of which were also misbranded. One lot of the article was labeled in part: "Scales Mound Creamery, R. J. Smith, Prop. Scales Mound Illinois Scales Mound Superior Brand Butter." One lot was labeled in part: "Butter Made * * * By Scales Mound Cry. Scales Mound, Ill." One lot was unlabeled, and one lot consisted of tub butter labeled: "Net Weight 63 Lbs."

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 as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to the portions of the article labeled, "Butter", for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat, whereas it was not. Misbranding was alleged with respect to the unlabeled lot of the product for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 15, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

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

21829. Adulteration of frozen eggs. U. S. Emulsol Corporation. Plea of guilty. Fine, $25. (F. & D. no. 30204. Sample no. 11901-A.)

This case was based on an interstate shipment of frozen eggs that were found to be in part decomposed.

On July 10, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Emulsol Corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 3, 1931, from the State of Illinois into the State of Ohio, and reshipment from the State of Ohio into the State of New York, of a quantity of frozen eggs that were adulterated. The article was labeled in part: (Tag on can) "Emulsol—M. * * * A Superior Emulsifying Agent For Baking * * * The Emulsol Corporation. * * * Chicago."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed, putrid, and filthy animal substance.

On December 15, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $25.

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