

On November 3, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

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

21833. Adulteration of butter. U. S. v. Lakota Creamery Co. Plea of guilty. Fine, \$10. (F. & D. no. 30267. Sample no. 31524-A.)

This case involved a shipment 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.

On September 27, 1933, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lakota Creamery Co., a corporation, Lakota, N. Dak., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 17, 1933, from the State of North Dakota 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 of milk fat as provided by the act of March 4, 1923.

On October 27, 1933, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

21834. Adulteration and misbranding of butter. U. S. v. Lower Columbia Cooperative Dairy Association. Plea of guilty. Fine, \$100. (F. & D. no. 30268. Sample nos. 30698-A, 31144-A.)

This case involved two shipments of butter, one of which was found to contain less than 80 percent by weight of milk fat, and the other of which was found to be short weight.

On September 21, 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 the Lower Columbia Cooperative Dairy Association, a corporation, Astoria, Oreg., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 20 and February 21, 1933, from the State of Oregon into the State of Washington, of quantities of butter a portion of which was adulterated and misbranded and the remainder of which was misbranded. One lot was labeled in part: "Shamrock Butter * * * Manufactured by Lower Columbia Cooperative Dairy Association"; the other lot was labeled in part: "Golden Rod Butter One Pound."

The information charged adulteration of one shipment of the article 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 of milk fat as provided by the act of March 4, 1923.

Misbranding of the said shipment was alleged for the reason that the statement, "Butter", was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 80 percent by weight of milk fat, the standard for butter established by law. Misbranding of the remaining shipment was alleged for the reason that the statement, "One Pound", borne on the prints, was false and misleading, for the further reason that the article was labeled so as to deceive and mislead the purchaser, and 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 each of a number of packages contained less than 1 pound, the declared weight.

On December 5, 1933, the defendant company entered a plea of guilty to the information, and the court imposed a total fine of \$100.

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

21835. Adulteration of butter. U. S. v. Floydada Creamery, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 30275. Sample nos. 4227-A, 12263-A.)

This case was based on interstate shipments 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.

On or about November 13, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Floydada Creamery, Inc., Floydada, Tex., alleging shipment by said company in violation of the Food and Drugs

Act, on or about August 3 and August 23, 1932, from the State of Texas into the State of Illinois, of quantities 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 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.

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.*

21836. Adulteration of butter. U. S. v. Mount Angel Cooperative Creamery. Plea of guilty. Fine, \$50. (F. & D. no. 30282. Sample no. 14505-A.)

This case was based on interstate shipments 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.

On December 1, 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 the Mount Angel Cooperative Creamery, a corporation, Mount Angel, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 28 and May 31, 1932, from the State of Oregon into the State of California, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that 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 required by the act of Congress of March 4, 1923, which the article purported to be.

On December 1, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

21837. Adulteration and misbranding of canned mushrooms. U. S. v. Kennett Square Mushroom Co., Inc. Plea of guilty. Fine, \$75. F. & D. no. 30331. Sample nos. 9535-A, 9536-A, 10933-A.)

This case was based on interstate shipments of a product which was represented to be canned whole mushrooms but which was found to contain a greater proportion of stems than is normal to whole mushrooms.

On November 24, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kennett Square Mushroom Co., Inc., West Chester, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 16 and February 22, 1932, from the State of Pennsylvania into the State of New York, and on or about April 16, 1932, from the State of Pennsylvania into the State of Massachusetts, of quantities of canned mushrooms that were adulterated and misbranded. The article was labeled in part: "Kennett Cultivated Mushrooms Hotels Kennett Canning Co., Kennett Square, Pa."

It was alleged in the information that the article was adulterated in that a substance, pieces of mushroom stems in excess of the natural and normal proportion of stems contained in a product made from complete units of whole mushrooms, had been substituted in part for the article.

Misbranding was alleged for the reason that the statement, "Mushrooms", and the design of whole mushrooms, 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, in that they represented that the article was a product made from whole mushrooms containing the normal proportion of stems and caps, whereas it contained excessive stems.

On December 11, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

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

21838. Adulteration of apples. U. S. v. 153 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30435. Sample no. 18456-A.)

This case involved the shipment of a quantity of apples, examination of which showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.